

Ambitious Rebels

Remaking Honor, Law, and Liberalism in Venezuela, 1780–1850

Reuben Zahler

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Acknowledgments

The intellectual genesis for this project stems from my experiences decades ago. Before and during college, I took time off from my studies to backpack in Central America (1986–1987) and in the Andes (1989). These were turbulent years for Latin America, as some of the worst violence of the Cold War and the drug trade permeated life and politics. I was struck by the way that most people strove to make life as normal as possible despite the abnormal conditions. I was also struck by how certain ideas and practices that I had unquestioningly considered "good" could cause such havoc.

For instance, at one point I lived with a family in a working-class neighborhood of Tegucigalpa, Honduras. The parents had 14 children, many of whom still lived at home. A grandson named Hector attended high school in the United States and had returned home for the winter break. Hector (age 16) then insisted on treating one of his uncles, Carlos (age 17), as an equal. Though they were essentially the same age, local culture required a nephew to treat his uncle with deference. Hector's "gringo attitude," however, appalled and shamed several of his uncles because he would not give respect to his superiors unless "they earned it." As another example, a few years later I traveled in highland Peru during the Shining Path civil war. This happened to be during the election season, so both sides in the conflict intensified the violence to gain political ground. I attempted to adapt to life with periodic car bombs and arbitrary military searches, in which young soldiers stopped pedestrians, pressed rifle muzzles to our throats, and searched our bags.

Such experiences impressed upon me the dramatic and subtle ways that ideologies we associate with "modernity" and "development" can cause great damage. Both Carlos and Hector were my friends and my age, and I was disturbed to see that, when Hector treated Carlos in ways that I

considered appropriate, he caused so much strife in the family. The highly individualistic and antihierarchical culture of the United States, which seemed so "natural" to me at the time, presented a real conflict with the values of a Honduran family. In Peru, the competition between factions that promoted Maoism and those that promulgated democracy fomented ever greater levels of brutality. Further, an election—which theoretically should foster democratic stability—catalyzed more violence and military repression. As an impressionable young man, I was astounded to see how political ideas, institutions, and practices that on paper seemed reasonable could prove to be so destructive; and these experiences forever altered how I view the routine mechanics of democracy. Eventually, I became acutely interested in the ways that eighteenth-century ideals of individualism, equality, natural rights, and representative government were not necessarily the self-evident truths that Enlightenment philosophers had claimed them to be.

My first set of acknowledgments, therefore, goes to the many Latin Americans in several countries who have hosted and tolerated me over the past three decades. Throughout Central and South America, numerous people have brought me into their homes, shared food and drink, and walked me through their favorite places. They have also indulged my many questions and generously helped me to understand their successes, tribulations, and dreams. The enormous kindness and hospitality that I found throughout this region still serve me as an inspiration and model.

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terest in Hispanic culture, and helped me to find the courage to travel in Latin America.

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Like all academic endeavors, this project could never have succeeded without financial support. As a graduate student, none of my faculty advisers had worked on Venezuela, so I faced a steep learning curve to familiarize myself with the country and the idiosyncrasies of its archives. Mellon and Hewlett field research grants helped me to make my initial journeys to Venezuela, during which I learned to navigate the archives and the city of Caracas, and to build friendships that remain to this day. A Mellon Fellowship for Latin American History funded several years of graduate work so that I could apply full attention to my investigations. A Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) fellowship enabled me to live for a full year in Venezuela so that I could accomplish the bulk of the archival research. As a young professor, with help from a Summer Stipend Fellowship from the National Endowment for the Humanities, I returned to finish the archival work. The University of Oregon's College of Arts and Sciences has provided generous support in the final stages of producing this book: along with the Oregon Humanities Center, it helped to pay for production of the book's index; and in conjunction with the

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My family, of course, has been an endless source of understanding, perspective, and commiseration as this project has progressed. My siblings—Erika, Adam, Gideon, and Rachel—have granted me much needed emotional support and counsel as I have made my way in this rather odd career. Aunt Jan, Uncle Stan, and my cousin Grace deserve gratitude for their support and for always being willing to hear about the latest stage in the research. Harry and Carol Green, my father- and mother-in law, have been wonderfully encouraging and supportive during uncertain times, and they have made life infinitely easier for my little family. Special thanks go to my father, who is my earliest, longest lasting, and most influential teacher. In recent years, I have been actively aware of how much of this investigation has been guided by the stories he told, the questions he asked, and the broad curiosity he instilled in me. I am also grateful to my mother, who passed away when I was young but whose model of dogged independence has served me well.

Finally, enormous gratitude goes to Debbie and Josh, my wife and son. Debbie, you are my biggest fan, most stalwart supporter, and toughest critic. Josh, you consistently remind me of what really matters in life, and you make it all such fun. We three have built a little republic together,

and you consistently teach me new lessons in honor, justice, and virtue. You both have given all aspects of my life, including my work, greater joy and purpose. Thank you for putting up with my crankiness and for helping me to laugh so much each day.

Abbreviations for Archives

AANH		Archivo de la Academia Nacional de la Historia
	CCC	Causas Civiles y Criminales
	SJ	Sección Judicial
AArq		Archivo Arquidiocesano
	SJ	Sección Judicial
AGN		Archivo General de la Nación
	AB	Archivo de Barquisimeto
	I&J	Ministro de Interior y Justicia
	CC	Expedientes Criminales y Civiles
AHC		Archivo Histórico de Coro
	CC	Causas Criminales
AN		Archivo de la Asamblea Nacional
	Sen	Senado
CHA		Curaçao (Centraal Historisch Archief: Curaçao)
FJB		Fundación John Boulton
	AHG	Archivo Histórico General
	AGJAP	Archivo del General José Antonio Páez

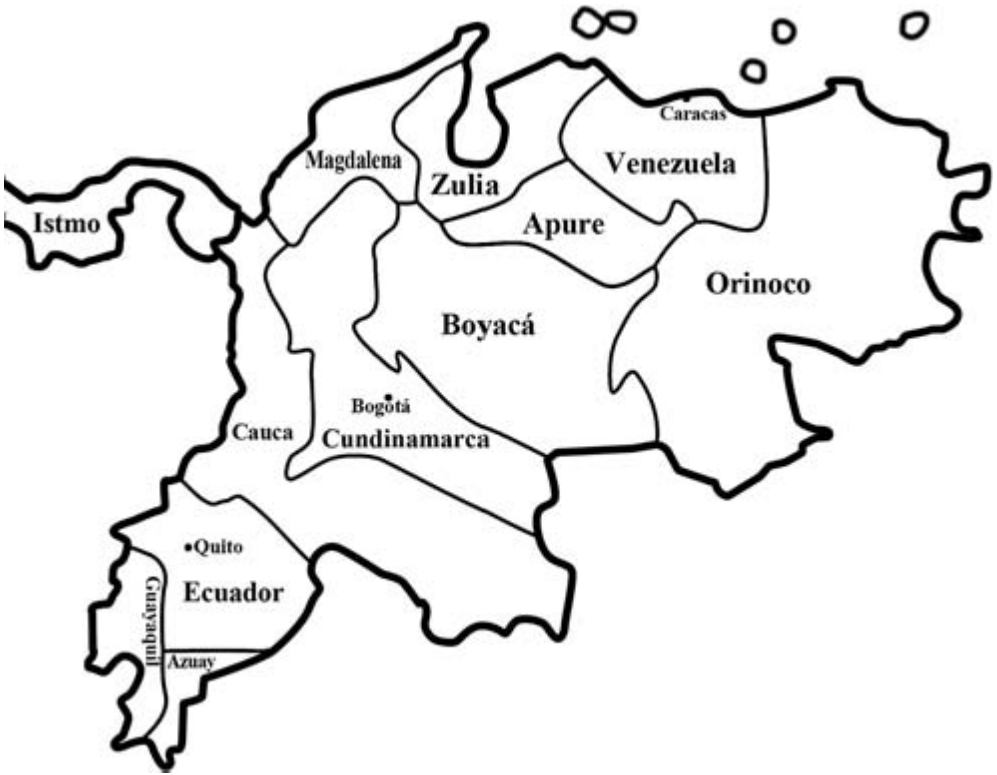
Chronology of Presidencies, 1821–1858

Simón Bolívar	1821–1826 (Gran Colombia)
Simón Bolívar	1826–1830 (Gran Colombia)
José Antonio Páez	1830–1835
José María Vargas	1835–1836
Andrés Navarte and José María Carreño	1836–1837 (Interim)
Carlos Soublette	1837–1839 (Provisional)
José Antonio Páez	1839–1843
Carlos Soublette	1843–1847
José Tadeo Monagas	1847–1851
José Gregorio Monagas	1851–1855
José Tadeo Monagas	1855–1858

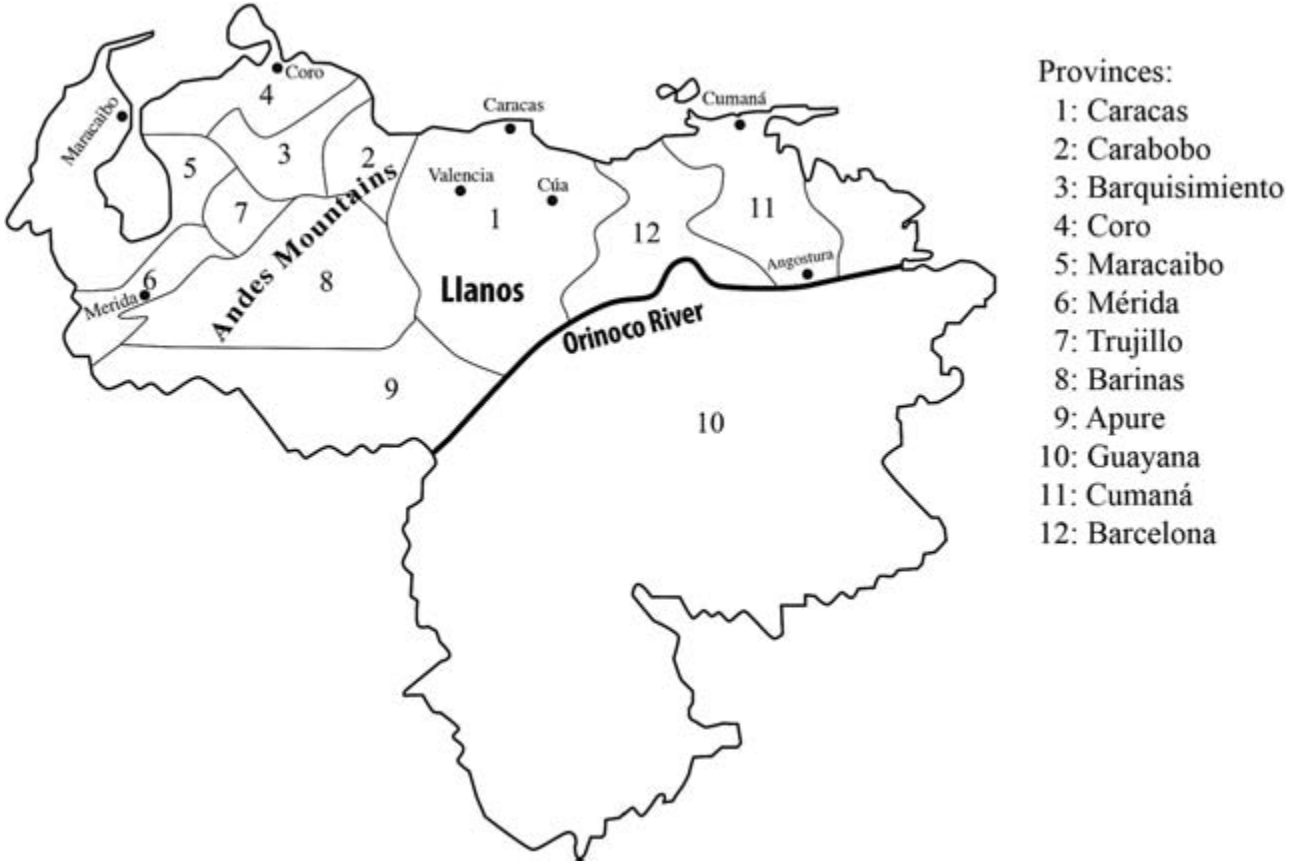
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Map 1. Colonial Venezuela, 1811 (*Capitanía General de Venezuela*)



Map 2. Gran Colombia



Map 3. Sovereign Venezuela. This map reflects Venezuela's internal borders after the Congressional act of March 29, 1832, and follows the atlas composed by Augustín Codazzi in 1840.

Introduction

Honor, Law, and Revolution

On April 11, 2002, I sat in the Venezuela's *Archivo General de la Nación* while a human storm brewed outside. As a doctoral student struggling to fathom the musty documents of a centuries-old court case, I became distracted by the sounds of rowdiness in the streets below. The National Archive is situated in a rundown neighborhood of Caracas near the nation's capital buildings. For these reasons, the streets were often noisy and angry protests were nothing unusual. On this day, however, the commotion was unusually loud and seemed connected to presidential politics. The government of President Hugo Chávez, then in its fourth year, promised to create a new socialist order that redistributed wealth, and the opposition had grown to a fevered pitch. Fights, riots, and even street killings were becoming increasingly common as the *chavistas* and *la oposición* grappled for control.

I left the documents and stepped onto the street to investigate why throngs of angry *chavistas* were preparing for battle. They informed me that an opposition march had suddenly decided to alter its route and to demonstrate in front of the presidential palace. Fearing that the demonstrators would try to assassinate the president, *chavistas* poured into the streets near the presidential palace to block the opposition march's path and were already arming themselves with sticks, knives, rocks, and guns. I went back into the archives and informed the administrators that the day's march was headed for the presidential palace. Soon all of us who were able evacuated the archives and went our separate ways.

Minutes after I left, the opposition march arrived and the two groups began to shoot at each other. The fighting raged throughout the afternoon and into the night. The official count stated that 19 people died, though some *chavista* friends told me that many of their dead did not get counted. Before the next sunrise, Chávez left the presidential palace and the military flew him out of the country. The opposition replaced him with a right-wing dictatorship. *Chavistas* came out en masse to protest these events, factions of the military turned against the dictatorship, Chávez's vice president declared himself interim president, and then late on April 13, 2002, Chávez returned to office. Looting soon began throughout the city, as *chavista* hoodlums exacted revenge on the opposition. During these three tumultuous days, we had lived on the brink of civil war and witnessed the rise and fall of three presidents. Over the ensuing months, the violent, lurching struggle continued, always at the edge of full civil war. I started each workday watching TV news of the marches and the riots with the same interest a person watches the weather to make decisions about the day: Would I be able to make it to the archives and back home? Would the archives remain open long enough to make the trip worthwhile, or would the archives close and the neighborhood evacuate before noon? If I went to the archives, what were the odds of getting beaten or shot?

There were numerous parallels between this time of upheaval and the time period of my study: the first few decades of Venezuelan independence in the nineteenth century. Then as now, a revolutionary movement called for a more just economic and political system, but consensus on how that system should look proved elusive. The standards of discourse changed, as new political actors and new political language gained dominance. Then as now, revolutionaries declared the past administrations to be venal, benighted, and unjust, and they demanded that the nation throw off the intervention of foreign imperialists. They sought to create a new future built on equality, a higher moral code, greater opportunity, and more governmental transparency and accountability. Though appealing to some, these aspirations threatened the political, economic, and social order. Opposition to the revolution's direction inevitably grew, prompted by those who feared dictatorship or chaos or simply preferred the old regime. In both the nineteenth and twenty-first centuries, all sides in the debate dismissed their rivals as irrational, vice-ridden, and self-interested. Despite a robust free press, the public debate failed to find productive, peaceful, consensus-building solutions. The Venezuela of today is, of course, radically different from that of the nineteenth century. Still,

during my many visits to Venezuela since 1999, the passionate desire to uproot the old system, the faith in the potential for new beginnings, and the corrosiveness of the public debate have echoed with the voices from the crumbling documents I read in the archives.

A short anecdote illustrates some of the problems inherent in the earlier revolutionary project. On the night of September 8, 1825, Antonio Leocadio Guzmán returned to his Caracas home to find a man waiting for him with a sword. As the director-editor of the newspaper *El Argos*, Guzmán had recently accused the secretary of war of nepotism for appointing Colonel José Abreu y Lima as the governor of the region. Guzmán wrote that Lima had no qualifications for this post and that military officers who "uphold the ideas of honor" regarded Lima with contempt. He further asserted that Lima lacked "the merit, ability, and valor" for the office and accused the secretary of war of being "more corrupt than a monarch" for this appointment.[1] Colonel Lima responded by coming to Guzmán's house, unsheathing his saber, and cutting two deep gashes in the editor's face.[2] For Lima, these insults made public in the press damaged his honor, and he sought satisfaction in a manner consonant with his gentlemanly and military status. Guzmán, however, did not see things that way. He did not consider the assault as a private matter of honor but as an "attack directed against the press." Lima could have attacked back in the press or the courts, but Guzmán asserted that "he [Lima] did not want to dress himself with the laws of society nor those of honor."[3]

This violent confrontation not only illuminated the hazards of the recently freed press; it also represented the widespread friction in Venezuela at this time over questions of personal honor, the relationship between law and honor, the character of legitimate government, and what constituted appropriate behavior. Independence brought to Latin America a state of anomie, meaning that there was a breakdown of normal social norms and values, so that people needed to establish new standards of behavior.

When mainland Spanish America became independent in the 1820s, the leaders of the new countries sought, to one degree or another, to imitate Britain, France, and the United States. In what could be called the first wave of development strategy, Latin Americans pursued Enlightenment theories and looked to the wealthy, industrializing North Atlantic for inspiration in constructing new economic, political, and legal structures. Showing remarkable ambition, Venezuela's leaders aspired to transform a former colony that had adhered to the rule of the king, the Church, and tradition into a liberal republic (i.e., with minimal state intervention, a capitalistic economy, freedoms of expression and religion,

and an elected, representative government). With an eye to similar transformations occurring throughout Latin America and the Atlantic world, this book examines how honor, law, and political culture in Venezuela evolved from the late colonial through postindependence period (called the "middle period"). Focusing on both the bold philosophy of the elites and the daily lives of common men and women, this analysis illuminates those social norms that lacked legal sanction but still profoundly affected political structures.

The republic's leaders sought to change not only state structures (i.e., a written constitution, an electoral system, and separation of powers) but also moral norms and political culture. It is one thing to declare equality or to dictate that political authority goes to whoever wins the most votes; it is quite another to convince people of the legitimacy of the system. The extent to which political culture can be altered is an essential ingredient in the success or failure of a revolutionary project. To paraphrase Keith Baker, political culture may be understood as the discourses and practices that members of a community use in order to articulate and negotiate their competing claims, and to impose them on each other: political culture changes over time, but it also conserves the characteristics of a bygone age. Even during periods of rapid, revolutionary change, the parameters, definitions, and characteristics of the old political culture remain part of the new environment.[4] State and economic structures often change far more rapidly than does political culture, so that morals and customs from a previous regime remain vigorous in a new political system.[5] As Peter Guardino notes, the dichotomy between modernity and tradition is somewhat false, because there is no clear line between the two.[6]

Across the middle period (i.e., the century that encompasses the late colonial period from the Bourbon Reforms to the first decades after independence; roughly 1750–1850), the relationship between honor and law offers a powerful lens through which to examine the evolution of political culture. These two normative orders, one an unwritten code (honor) and the other a written one (law), established the greater part of a person's relationship to society and the state. One of the consistent themes throughout the middle period was the state's efforts to establish written law as the dominant norm for determining legitimate authority and behavior. Such efforts were an essential part of the projects to centralize and rationalize the state that characterized the eighteenth and nineteenth centuries. This ascent of written law, however, contradicted early modern Hispanic culture and jurisprudence, which placed no clear hierarchy among tradition, local customs, religion, and law. Therefore, the relationship between

honor and law illuminates a critical arena of competition between traditional values and the modern state.

The honor code was probably the most powerful social norm in the Hispanic world for determining morality and behavior (with the possible exception of religion). This book examines honor as a part of an individual's public persona, meaning his relationship both to the state and to society at large. It will also consider the privacy of the domestic realm, particularly with regard to women's lives. For the most part, however, the investigation will consider the role of honor in assigning the citizen's relationship with his neighbors and his government.

In general terms, honor refers to the unwritten codes that dictated such relationships, whereas law refers to the written codes. However, such distinctions are not always clear-cut. Rather, because legal codes and honor codes were inextricably intertwined, they supported and granted legitimacy to each other. Further, reforming elites hoped that honor codes would morph to harmonize with the new legal codes. For instance, with the official eradication of the racial and estate caste system after independence, all citizens should legally have access to honor and enjoy legal equality. Additionally, both the honor and legal codes supported patriarchy as fundamental to the social order, so that both codes required gender inequality in order to preserve justice and order. On the other hand, unwritten codes of conduct frequently clashed with written standards: the reality of race relations often did not live up to the ideal of racial harmony, and the boundaries of patriarchal dominion faced constant negotiation from women who insisted they, too, had rights. As I observed in the early years of Hugo Chávez's socialist revolution, the written and unwritten rules were very much in flux, which was also true during the classical liberal revolution of the nineteenth century. This book explores the relationship between honor and law during the middle period in order to illuminate the rules and how they changed.

Venezuela as a Comparative Case Study

As a case study of postindependence reform, Venezuela has much to speak for it. As compared to the locations of most scholarly study, such as Mexico, Peru, Argentina, and Colombia, the early Venezuelan republic offers an experiment in political change that benefited from much more stability. For a variety of reasons, Venezuelan elites enjoyed a far greater consensus in favor of liberal change than was found in most other republics.

Conservatism simply never gained a great deal of traction and, in this regard, Venezuela can be most closely compared to Chile.[7] As in all of Spanish America, in the 1840s elites fractured into two political parties, the Liberals and Conservatives. In Venezuela, however, both parties were ideologically liberal, and the Conservatives were actually more liberal than the Liberals. In fact, consensus around liberalism was so strong in Venezuela that the Conservative Party's main newspaper was called *El Liberal*. In this regard, this country could be compared to Argentina after the end of Juan Manuel Rosas' regime (1852), in which there were no social groups that were strongly antiliberal.[8] However, during its first three decades of independence, Venezuela did not suffer under the brutal, antiliberal rule of a *caudillo* like Rosas.

Venezuela also had no large indigenous population, and therefore the government never had to contend with concerted opposition from a *republica de indios* that aspired to remain autonomous and separate. The principal ethnic-racial subaltern group was the *pardos* (free people of African descent regardless of color), and racism and ethnic tensions certainly complicated republican politics. Still, the *pardo* population here, as in other young republics, adopted liberalism in much the way that the creoles did and sought to become fully integrated citizens.[9]

One result of this greater liberal consensus was that Venezuela did not suffer the instability from conservative backlashes that plagued many other American republics. For instance, by 1857 postindependence Mexico had suffered through 44 changes of government and three foreign invasions. Law, order, and the economy deteriorated under the constant threat of ethnic violence, secessionist movements, and military uprisings.[10] In Venezuela, too, rural violence remained a serious issue as banditry and local rebellions persisted. By some counts, the country endured eight rebellions from 1830 to 1848.[11] However, most of these were fairly local in scope, lasted no more than two to three months, and did not seriously imperil the central government. Even the secession from Gran Colombia in 1830 transpired peacefully. The one exception occurred in 1835, when a rebellion took Caracas, but civilian militias quickly routed the rebels and restored the elected government. Until 1859, all changes of government occurred through peaceful electoral processes. Under these comparatively peaceful conditions, the economy and the state had far greater opportunity to achieve stability than in most other republics.

Venezuelan early republican elites did not share the sense of despair and pessimism that we see in other countries. In contrast, in postindepen-

dence Peru, "Banditry, illegitimacy, and irregular marital status were all signs of turbulent political times and, as perceived by liberals and conservatives alike, of social and moral decay."[12] Mexican Conservatives in the 1840s waxed nostalgic for the colonial past and lamented a republican system they considered weak, corrupt, and incapable of providing justice or stability.[13] At the same time, Domingo Sarmiento pondered whether the racial and geographic makeup of his native land doomed efforts to create a liberal republic in Argentina.[14] Venezuelan intellectuals of the 1820s–1840s expressed none of this pessimism or nostalgia for Spanish colonialism. Some feared that if liberal reform went too far society would become atomized and materialistic, but they did not regret independence or doubt the fundamentals of liberal ideology.

For these reasons, the study of Venezuela offers more than just a greater sense of the diversity of Latin American experience during the transition to modernity. It also offers a case study of a country that made a far more concerted, less ambivalent move toward liberalism. As we consider the innumerable variables that contributed to the successes and failures of the young Latin American republics, Venezuela provides an example that does not have the ingredient of violent liberal–conservative competition, with all the accompanying instability. The history of this country then allows us to hone in on other variables in our assessment of the transition toward liberalism.

Historiography and Methodology

Until about the mid-1990s, scholarship on postindependence Latin America was sparse and still "at the first stratum of historical research: the analysis of ideas expressed by the elite in printed materials."[15] Scholarship depicted this period as marked by "notoriously unstable political conditions," a "gap between constitutional theory and practice," and abundant "contradiction between political habits and cultural traditions on the one hand and liberal institutions on the other."[16] Most scholarship interpreted Latin America's first decades of independence as a political failure characterized by economic inertia, violent discord, and elites that hypocritically professed liberal ideology but actually endeavored to impede liberal political change. Though elites talked at length about equality, rational government, free markets, and elective processes, "the changes which accompanied the achievement of political independence may well appear superficial and limited."[17]

Such interpretations of postindependence "failure" derived in part from an assumption that elites were hypocritical; they espoused liberal ideals opportunistically but they actually pursued personal advantage. Under such interpretations, political instability and the maintenance of strict social hierarchies offer proof of this hypocrisy. Early nineteenth-century liberals, however, never postured themselves as social engineers, and although they sought to eliminate inherited hierarchies, they did not intend to eradicate sociopolitical hierarchies altogether. Of course, certain elites were hypocritical, which was one among many factors that contributed to political instability. On the other hand, some elites pursued ideological agendas with great sincerity. Even so, instability occurred because they did not always agree, and even when they did agree, elites did not enjoy complete control over their society or economy.

Interpretations of failure also come in part from a historiographical perspective that developing countries did not adopt modernity because they do not more closely resemble North Atlantic countries. More recent scholarship has challenged this perspective, recognizing that, although Latin American societies are qualitatively different from their counterparts in Europe, they have successfully developed distinctly modern structures, such as mass politics, public spheres, and centralizing states that crystallize collective identity. More profoundly, scholars err when they expect "modernity" to look the same in all locations and perceive it to be "a single condition with a preordained future."[18] Further, Latin America in the 1820s–1840s compared favorably to Europe in the adoption of liberal standards. While in Europe royalist and antidemocratic sentiments rebounded after the Napoleonic Wars, in the Americas royalism all but died out, with a few exceptions in Mexico and Ecuador.[19] Indeed, Venezuelan intellectuals of the 1820s considered their republic to be far more progressive than those of their northern counterparts; they asserted that their revolution was more radical than that found in the United States, with greater potential for true racial equality, and that their armies protected liberty and justice, whereas those of Europe protected monarchs and suppressed the people.[20]

Latin Americanist scholarship of these events has benefited from a new periodization that examines the middle period (circa 1750–1850). Focus on the middle period enables scholars to escape the pitfalls that accompany the assumption that independence marked a massive rupture with the colonial past. Instead, exploring the middle period reveals that social, economic, and political changes were underway well before the break from imperial control, and that independence marked not a unique

moment of change but rather a high point of change in a turbulent century. Up through the 1980s, middle period studies "focused on political events, leaders and ideologies," and this trend even continues fruitfully to this day. In addition, a newer trend (dating from the 1990s) explores political culture and popular participation in the events and debates of the time.[21]

Hispanic America's young republics sought to forge a new political culture based upon Enlightenment ideals of equality, freedom, governmental accountability and transparency, the nation-state, and open markets. The study of this middle period is, to a large degree, the exploration of the gap between stated goals and daily realities. States will attempt to create a political culture that naturalizes social structures and labor relations in a way that justifies the current political system.[22] Doing so, however, is not a straightforward task. Political culture does not rapidly change from one form to another, but rather gradually morphs, always retaining many of its old qualities. For instance, François-Xavier Guerra correctly argued that Spanish American independence occurred so abruptly that the resulting countries did not have an opportunity to cultivate a sense of nationalism. Elites, therefore, pursued the dysfunctional goal of creating a polity based on the model of the nation-state in the absence of a nation and nationalism.[23] On the other hand, I join with other scholars that challenge Guerra's contention that the Hispanic traditions of communal, clientalist identities were so strong that they prevented the adoption of modern political forms, particularly citizenship.[24] Rather, violence broke out because the popular sectors (e.g., the poor, non-whites, etc.) accepted the notion of citizenship, and they struggled with elites to define what it meant on their own terms.[25]

The exploration of these changes has been greatly assisted by developments in the study of subalterns. Studies of nonwhites not only have offered the perspectives of a much wider swath of society, but also have shown that revolutionary Enlightenment ideology permeated well beyond elite circles. *Pardos* fought in the wars of independence and struggled long after to make the premise of equality a reality, not just a slogan. Previous historiography interpreted Afro-Latin Americans as having been the dupes of creole politicians and officers who used them as cannon fodder in numerous wars. However, recent scholarship has found that they were ideologically and politically savvy, adopted and fought for liberal ideals, and sought full inclusion in the republic as citizens.[26] Indigenous peoples in Mexico and the Andes also understood, to a far greater degree than previously realized, the significance of revolutionary ideology and negotiated

with the emerging republics to fit their needs. Far from being passive, ignorant conservatives making a futile resistance against republican state formation, indigenous peoples adopted facets of liberalism and negotiated with elite whites (using both conservative and liberal tropes) to meet their political goals.[27]

As a social group, women experienced far less political change with independence. To consider women's conditions reveals the degree to which revolutionaries sought to refashion sociopolitical structures to destroy the racial hierarchy, inherited privilege, the Church's political power, and numerous customary assumptions. The republicans did not, however, challenge patriarchy and, for the most part, did not even question its place. Male domination remained secure even amid the enthusiasm to remake all of society. By and large, women themselves did not challenge patriarchy but rather accepted their subordination as natural and appropriate.

Our understanding of women during the middle period has also developed in recent years, although there have been far fewer investigations of gender than of political ideas or of peasant participation. We do not yet have enough studies on gender to do a solid synthesis, beyond stating that independence produced mixed results for women.[28] In legal and political terms, independence brought virtually no change to women's status.[29] For the first half of the nineteenth century, we find that Mexican and Peruvian women absorbed few republican ideals into their legal strategies or rhetoric in domestic court battles. In court cases regarding domestic abuse, adultery, or protecting property, women from these countries defended their interests based not on individual rights or citizenship, but rather they appealed to traditional notions of reciprocity and paternal protection.[30] Only in the second half of the nineteenth century do we find women enlisting liberal ideas to defend their legal rights.[31]

In contrast, Arlene Díaz found that Venezuelan women adopted liberal ideals much earlier. Already in court cases from the 1810s, women used the language of equality and contract in order to defend their rights within the family, particularly with regard to protecting their bodies and property. Venezuelan women in the early republic treated marriage less as a mystical bond that secured a woman's subordination on religious grounds. Rather, increasingly they described marriage as a secular contract in which both parties had mutual obligations; and, although men had more power, both parties retained their individual natural rights to life, liberty, and property.[32]

The evolution of political culture during the early republican period in many ways revolved around the tension between aspirations to actualize liberal notions of equality and to maintain patriarchal hierarchies. In colonial Venezuela, the guardians of empire, civilization, and society were the *padres de familia*, propertied male heads of households who dominated their families and communities. As Elías Pino Iturrieta shows, the republic continued to rely on *padres de familia* to maintain order, run the government, uphold traditional values, and spread republican virtues. *Padres de familia*, then, remained the leaders of social, political, and economic life across the middle period, even as revolutionary ideology promised a bold new political and social order.[33] Arlene Díaz reveals how such patriarchal values not only ensured the subordination of women but also impeded the potential for equality across racial and class lines. Dynamics surrounding gender and race were very interrelated as the ambitions to facilitate dramatic political change and to maintain traditional social order frequently contradicted each other.[34] Only *padres de familia* enjoyed full citizenship, and the republic granted them the authority to maintain sociopolitical stability. Religious, cultural, and legal traditions all supported patriarchal hierarchies, which excluded women and the poor (many of whom were not white) from enjoying equality. Like Díaz's book, this book examines the contradictions inherent in a system that promoted both liberalism and patriarchy.[35]

The study of honor, of course, weaves throughout all of the aforementioned historiography of political culture and subalterns. Although studies of honor originally focused on the Mediterranean,[36] they have since blossomed and reveal that honor was fundamental to all social, economic, and political structures in eighteenth- and nineteenth-century Latin America, North America, and Europe.[37] In colonial Latin America, honor codes were remarkably similar across social strata, although competition for honor could manifest very differently (street brawls for the poor, court battles or business competition for the rich).[38] With the advent of the Bourbon Reforms and then republican doctrine, the honor code changed in response to increasing economic commercialization and political centralization. Over the course of the middle period, both elites and plebeians adopted bourgeois values such as respect for written law and the notion that status was based on work, wealth, merit, and rationality rather than inherited traits (e.g., aristocratic lineage or race).[39] The republican honor code allowed for greater social mobility and status based on individual merit, but it also continued to uphold a very hierarchical social

order. Yet the predominance of patriarchy within the honor code ensured the subordination not only of women. Poor men who failed to uphold proper patriarchal standards, such as controlling a domestic household, also suffered political and legal subordination.[40]

This book explores the relationship between written law (which will be called "legislation") and unwritten law (the honor code, traditions, and customs). As mentioned earlier, a distinguishing feature of the middle period up to the present day has been the effort by states to ensure that legislation dominates over unwritten codes. This effort required the government to encode society's unwritten norms (i.e., ethical-moral values, visceral notions of justice) and required society to accept that legislation is legitimate and its enforcement is just. Such a change in social mores has been one of the great challenges in Latin America. In the words of political economist Francis Fukuyama, "The rule of law includes a host of formal, visible institutions, of course, like a country's written laws, its court and police systems, and the administrative system that stands behind rule enforcement. But no legal system can work without the support of informal norms."[41]

As historiography of the early republican period has changed, recent investigations of the postindependence judicial systems reflect more liberal reform than previously expected. Though *caudillos* were essential features of the postindependence political landscape, legislation, lawyers, and institutions were also powerful actors.[42] Nonetheless, large lacunae remain in our understanding of jurisprudence, legal culture, and actual judicial procedures. There are some very good studies of legislation, legal debates, and constitutional jurisprudence, though we still have few studies that show whether new legislation affected actual courtroom procedures.[43] Nonetheless, a small but growing number of studies focus on judicial practices, through examining both legislation and courtroom documents, and have found that the postindependence judicial system underwent inconsistent but noteworthy liberal reform.[44] This investigation seeks to add to this area of knowledge by considering how legislation and courtroom procedure meshed with notions of honor and justice in the daily lives of ordinary people. The Venezuelan republic put considerable focus on bolstering the importance of legislation and succeeded in several areas, as politicians, administrators, jurists, and the popular classes came to regard the legal order as the bulwark of legitimate governance.

Historians of Venezuela have favored late colonial and late nineteenth-century history but have neglected the early republican period, as have historians of other parts of the continent. This inattention to postindepen-

dence came in part because of the blinding allure of the figure of Simón Bolívar, as historians followed him all the way to Peru but "relegated the importance of events in Venezuela to a secondary level."[45] Further, until the late 1990s, historians saw the mid-nineteenth century as a rather unappealing period, marked by political failure and betrayal of the principles of independence. As Pino Iturrieta writes, "Typical interpretations estimate that the Republic begins in a golden age, the war of Independence, whose glories become eclipsed after 1830."[46] Scholars wrote "great men" histories of the period and described the country's leaders, likening them to the vast majority of the population, as "unable to read and write, with no concept of citizenship, and therefore with no understanding of the exercise of government as the toil of administration and the higher direction of the social group which is the nation."[47] Marxist and dependency theory strongly affected scholarship in the 1970s–1990s and suggested that the elites of the 1820s–1860s relegated the country to continual class struggle because they gave lip service to liberal ideology but in actuality sought to maintain the inequities of colonial society.[48]

More recent scholarship on Venezuela has found greater complexity, sincerity, and competence among the elites in their efforts to establish a liberal republic. Most of this new work still focuses mainly on the elites, political ideas, and state institutions, though with greater attention to the details of daily life.[49] There is a small but growing body of work that focuses on subalterns,[50] and the use of court cases for historical study is a recent and rare phenomenon.[51]

This book investigates the Venezuelan elite project, how subalterns responded to and altered this project, and how this project affected people's daily lives, perspectives, and attitudes. It combines social, cultural, and intellectual history and relies on a source base of court cases, official correspondence, legislation, speeches, newspapers, diaries, and travel accounts by foreigners. The book uses honor and law as analytical lenses to reveal the synergy among official standards, cultural mores (notions of honor and justice among men and women across socioeconomic levels), and praxis (domestic, administrative, juridical, and economic behavior) in order to explore the stresses experienced by a postcolonial state attempting to adopt North Atlantic models. This is, in the words of José Carlos Chiaramonte, an attempt to provide "a history of fundamental ideas, ranging from those governing everyday life to those influencing great events, ideas that moreover perform the sometimes imperceptible function of conditioning the acceptance of new ideas and the scope of their effects."[52] The examination into the relationship between the stated goals of the elites

and the realities of daily life reveals how attitudes, practices, and institutions became a mixture of colonial legacies and liberal paradigms. In so doing, the book explores a phenomenon found throughout Latin America and the developing world to this day: the tension between colonial norms and new liberal standards.

Chapter 1 provides a short intellectual, social, and political history of Venezuela across the middle period, with particular attention to the years from the late colonial period until the country became sovereign (circa 1780–1830). This chapter provides the basic backstory for the rest of the book; it explores the region's economic, ethnic, and regional dynamics as well as the roots for the liberal consensus that developed among both plebeians and elites.

Chapters 2 and 3 focus on the attempt to build a civilian-led, legalistic (based on written laws) republic. Chapter 2 explains the rise of civilians within the state and how they adopted liberal standards for administration. The first part of the chapter explores a series of subtle changes in bureaucratic culture that conformed to liberal paradigms; that is, when people charged government officials with corruption or misconduct, increasingly they based the charges in legalistic terms rather than in more abstract notions of social harmony or decency. The chapter then illustrates how the civilian government came to dominate both the military and the Church during the 1820s–1830s. Chapter 3 explores the judicial branch of government to show that the court system remained a viable institution after independence and an instrument in the construction of a liberal state. Republican Venezuelans used the courts with approximately the same frequency as their colonial forebears. Further, the courts adopted a number of reforms that conformed to liberal standards, including clear hierarchies of judicial officers, transparency, due process, and more empirical standards of evidence.

Having established the institutional framework and culture of the Venezuelan state in the first third of the book, chapters 4 and 5 offer a deeper investigation into the nature of honor and explore the tensions between liberalism and patriarchy. Chapter 4 details discourse regarding the ideal liberal republic, the relationship between this vision and traditional notions of honor, and how these notions changed in daily practice. The colonial honor system remained largely intact after independence, although it demonstrated significant changes in response to the new language of citizenship and equality. Court documents and governmental correspondence reflect a growing sense of honor deriving not from race or family, but from personal conduct and loyalty to liberal notions such as economic

productivity and republican civic virtue (love of freedom, equality, and the law).

Chapter 5 focuses on issues of gender, domestic life, and women as a subaltern group within the republic and shows how notions of femininity became closely tied to republican values such as civic virtue and patriotism. Although the political mood of the day stressed legal and political equality across racial and socioeconomic strata, it also promoted legal inequality between the sexes. The patriarchal system persisted largely unchallenged, because women's legal rights did not change at all with independence. Nonetheless, women utilized liberal values to press for their rights within the domestic realm. Through considering court cases, legislation, journals, and newspapers, we see that women defended their interests not on the basis of being vulnerable, dependent women but on the premise that they had individual, natural rights.

Having established the nature and structure of law, administration, and honor in the republic, the final two chapters look at the interaction of these phenomena in political battles between lower classes and the elite. Chapter 6 explores the nature of discourse in the press as elites fractured due to the increasingly unstable economic conditions of the late 1830s–1840s. Unregulated credit markets and dropping commodity prices caused a surge in bankruptcies of farms and businesses. The elites divided into two political parties and publicly debated whether they should maintain laissez-faire economic policies (the Conservatives, the party in power) or adopt greater regulation of the financial sector (the Liberals, the opposition). Though open, rational debate was supposed to strengthen republican institutions and allow for the peaceful resolution of political disagreements, in fact it did just the opposite. The honor code and political culture did not embrace the notion of a loyal opposition, and the press debate fragmented liberal elites more than ever.

Chapter 7 analyzes a simultaneous phenomenon, in which the rural poor rebelled against the Conservative-led government, which they blamed for their economic troubles and political oppression. The disenfranchised and the Liberal Party allied together against the Conservatives, though poor rebels and elite Liberals did not always share the same goals. These scattered, largely uncoordinated rebellions came to drive the platforms of both parties, as the Liberals attempted to co-opt the rebels, and the Conservatives used the violence as a pretext to suppress the Liberals. These factors led to a full-scale rebellion (1846–1847) and created the opportunity for an authoritarian government to take root, which revoked much of the institution building and dedication to law that had marked

the previous decades. This chapter illuminates the triangular relationship among the Liberals, the Conservatives, and the rural poor, and it examines how all parties justified their actions through their claims of defending the Constitution and legal order.

Terms

The reader will find a glossary in the back of the book for help with Spanish words. In addition, a brief discussion of terms will assist the reader unfamiliar with Venezuelan and Latin American history during this period.

Chronological Terms

The book refers to five main time periods. The "colonial period" refers to the entirety of the Spanish conquest to the outbreak of independence wars (1492–1810). The "late colonial period" refers to the last century of Spanish rule (1710–1808), but mostly refers to the last 50 years that began with the reign of Charles III (1759–1810). The period of the "independence war" in Latin America lasted from 1810 to 1824, while in Venezuela it lasted from 1811 to 1821. For the first decade of independence (1821–1830) Venezuela was part of Gran Colombia, an enormous country that included what are today Ecuador, Colombia, and Panama. "Sovereign Venezuela" refers to the state that has existed from 1830 to the present.

Geographic Terms

As we move from the colonial period into the republican period, the terms *Venezuela* and *Caracas* take on different meanings and can become confusing (see maps on pages 1–3). The geographic boundaries of the colonial administrative unit, the *Capitanía General de Venezuela* (Captaincy General of Venezuela), encompassed roughly the same geographic territory as the contemporary country of Venezuela; the *Capitanía General* was an administrative, military, and judicial area under the jurisdiction of the *Audiencia* (colonial high court) located in Caracas. The north-central region of this colonial area was called the Province of Caracas, but historians also refer to this area as the Province of Venezuela. Under Gran Colombia, the government designated the north-central region as the Department of Venezuela. After the secession from Gran Colombia in 1830,

the independent republic took the name Venezuela, and then that term no longer referred to a province or department but to a sovereign country, as it does today. For the colonial period and Gran Colombia, I will use the term *Greater Venezuela* to refer to the entire region of the country that today we call Venezuela. I will use the term *Province (or Department) of Venezuela* to refer to just the north-central region. When talking about sovereign Venezuela (after 1830), when there was no longer a province by that name, I will simply use the term *Venezuela* to refer to the entire country.

CHAPTER ONE

From Colony to Liberal Republic

The Enlightenment Experiment

Commerce is a cure for the most destructive prejudices; for it is almost a general rule, that wherever we find agreeable manners, there commerce flourishes . . . the spirit of commerce unites nations. . . . The spirit of trade produces in the mind of man a certain sense of exact justice.

—MONTESQUIEU, *THE SPIRIT OF THE LAWS*, 20:1

when I observe that we pay for all that we consume from Europe with commodities and money, which are the product of our work and industry. . . . This is the measure of the civilization of a country.

—PEDRO MENDINUETA, VICEROY OF NEW GRANADA, 1803[1]

This chapter provides a quick overview of Venezuela's history from the late colonial period through early independence, approximately 1780–1830. In so doing, it focuses on two specific narratives that marked Venezuela and numerous polities in the Age of Revolution: (1) the contest between the effort to form a more centralized, rational government and the effort to maintain more local control, and (2) the tension between the growing appeal of liberalism and the traditional honor code and hierarchies. Liberalism's premise of legal and social equality contradicted the traditional honor code and therefore, for some people, represented not only a loss of privilege but also the decay of morality.

Late Colonial Venezuela

Christopher Columbus first encountered northern South America on his third voyage in 1498. The following year an expedition led by Alonso de Ojeda and the Florentine Amerigo Vespucci (the namesake of "America")

encountered natives around Lake Maracaibo who lived in houses built on stilts. Inspired by this architecture, Vespucci named the region "Venezuela," meaning "little Venice." Colonial Venezuela, which coincides very closely to the country's modern borders, was an enormous territory with a highly diverse geography and population. At approximately 352,000 square miles, it was slightly larger than modern France and Germany combined. With the towering Andes Mountains in the west, 1740 miles of Caribbean coastline and a coastal mountain range in the north, tropical plains in the center (the llanos), rain forests in the south, and the Orinoco River with its delta in the east, the geography offered a grand array of exhilarating opportunities and impassable obstacles. The pre-Columbian population was far smaller than that of the empires and city-states found in the Andes and Mesoamerica and was not urbanized.

As elsewhere in Spanish America, a mixture of Native American, Spanish, and African stock formed late colonial society, with whites at the top of the social hierarchy. In 1804, Alexander von Humboldt estimated the population of the *Capitanía General de Venezuela* (its late colonial name) at approximately 800,000, whereas an official census in 1811 placed the number at 1 million.

The majority of the population was poor and illiterate, including the whites. Poor whites provided cheap labor (serving as agricultural workers, artisans, domestic servants, majordomos, and subsistence farmers), held little political power, and had few opportunities to improve their conditions.[2] Most Indians lived apart from the rest of the population, and by the eighteenth century most non-assimilated Indians lived in the sparsely populated forests and plains of the south and east.[3]

The single largest ethnic group was the *pardos* (free people of African descent, whether pure African or mixed with white or Indian ancestry), who made up roughly half the population. *Pardos* typically comprised the lower classes, subsisting as artisans, farmers, or laborers, though some had wealth and prestige. By the late eighteenth century, some urban *pardos* had acquired wealth, married into white families, and entered into professional trades.[4] Rural *pardos* were mostly poor, less financially diverse than their urban counterparts, and typically worked as subsistence farmers, laborers, and artisans. The rural poor, *pardo* and white alike, often lived with very little oversight from white elites and the state. Landed elites typically preferred to live in the cities and so were often absent landlords. Whites often preferred not to work as overseers, so that *pardos* and even slaves worked as estate supervisors. Contraband trade, therefore, was widespread in the countryside, as local poor and elites had little oversight from

Figure 1.1. Ethnographic Breakdown of Late Colonial Population*

Race/Ethnicity	*Number*	*Percent*
Whites	200,000	20.51%
Pardos	435,000	44.62%
Slaves	58,000	5.95%
Indians	282,000	28.92%
Total	975,000	100.00%
Ethnic breakdown of whites	*Number*	*Percent*
Creole	180,000	90%
Peninsular	20,000	10%
Economic breakdown of whites	*Number*	*Percent*
Plebeian whites	190,000	95%
Elite whites	10,000	5%
Total	200,000	

*These figures come from Pedro Cunill Grau, *Geografía del poblamiento venezolano en el siglo XIX* (Caracas: Ediciones de la Presidencia de la República, 1987), 43–44; John Lynch, "Spanish America's Poor Whites: Canarian Immigrants in Venezuela, 1700–1830," in *Latin American Between Colony and Nation, Selected Essays*, ed. John Lynch (New York, NY: Palgrave, 2001), 66. For a discussion of the imprecision and inconsistency of population estimates during the middle period, see Manuel Perez Vila, "El gobierno deliberativo. Hacendados, comerciantes y artesanos frente a la crisis, 1830–1848," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas: Fundación John Boulton, 1976), 36–37.

colonial officials or urban elites and little incentive to comply with economic restrictions.[5]

The upper elites derived from aristocrats (families that could document their roots to Spanish aristocracy or to conquistadors) who, over the centuries, mixed with *peninsular* immigrants. These immigrants were either aristocrats themselves or commoners who held prestigious positions and brought political and/or commercial connections. In the Province of Caracas, these upper elites were called *mantuanos*; they were the group that had special access to positions in local government, the university, and the Church, and saw themselves as loyal servants to the Crown and the protectors of social order. Because of the status of Caracas, the *mantuanos* exerted particular clout throughout the *Capitanía General*.[6]

The expansion of the commercial economy during the eighteenth century changed the nature of the elite strata. This trade fostered the expansion of the second-tier elite that was composed of nonaristocratic white merchants and *hacendados* whose prestige came entirely from their wealth. As Venezuela's export economy expanded, these families and *mantuanos* became increasingly involved in transatlantic trade, and their sta-

tus became more tied to wealth. They were endogamous and derived status largely from family lineage. However, by the late colonial period, their status became increasingly dependent on a web of local intermarried families, transatlantic business, and conspicuous consumption (lavish clothes, carriages, and houses).[7] Late colonial elites, therefore, promoted policies that increased freedom of trade, which proved to be instrumental in elite support for the postindependence government.

The male heads of elite families, the *padres de familia*, were the main authorities in a very diverse society. Colonial society viewed patriarchal hierarchies as natural, appropriate, and necessary. Male heads of family across the socioeconomic spectrum had responsibility for and authority over all members of their households. As Elías Pino Iturrieta and Arlene Díaz demonstrate, the colonial term *padres de familia* referred to the heads of the leading elite families, and they held authority over not only their own families but also all of society. The *padres de familia* dominated governmental offices, represented their communities to imperial officials, and, along with Church and imperial officials, oversaw the moral behavior and social order of their community. They were, in a sense, the fathers of their communities. They were at the top of the colonial social hierarchy and demonstrated their status through possessing luxurious property, haciendas, a faithful wife, and numerous dependents. They were supposed to enjoy complete authority and for that reason at times disobeyed colonial officials or even challenged the wishes of the king.[8]

The *padres de familia* also held a special religious function, as they were bestowed with the honor to maintain social order and protect Christian society. In 1678, the Caracas Synod defined *padres de familia* as people privileged and endowed by God with a tremendous responsibility to act as the sentinels of their children, maids, and slaves; they were obliged to guide, lead, and teach their families and their social inferiors. "*Padres de familia* [are] justices in their houses, as they distribute to each one what he deserves." They were also "bishops" and "guards" who oversaw their household and community to ensure that those they led learned and behaved properly. In turn, subordinates should respect their masters as a child would a benevolent father: "the servant, or slave, should look upon his master as a superior and father in order to honor him and serve him."[9] Such conceptions remained in force a century later, as in the 1760s Church officials made reference to the 1687 *Constituciones Sinodales* in their campaign to stamp out sin throughout the region.[10] Christian society, like the Church itself, required a patriarchal hierarchy.[11]

Elite groups across the region dominated regional commercial and political activity, but their identity remained parochial. Cities were the loci of

political power throughout colonial Spanish America, and in Venezuela power was particularly concentrated in the coastal cities. Principal cities such as Caracas, Coro, and Maracaibo controlled their respective regions and enjoyed great autonomy from each other and from the metropolis. The elites of each city held top positions in the *cabildo*, the Treasury, the *Real Consulado*, and perhaps the *Audiencia*; and they maintained their power through upholding a social web formed through marriage and business partnerships. Though they owned large rural landholdings, elites generally lived within the city if they could. Urban elite households lived close to each other, and marriage between cousins was not uncommon.[12] Very often, these municipal elite networks were internally strong but did not have many formal connections to other cities. They did not, therefore, have transregional perspectives, but rather the city formed a node of regional economic and administrative hegemony bound through familiar networks. The provinces were something like semiautonomous city-states within an imperial structure, and they competed with each other for broader economic and administrative hegemony.

Conditions in the municipalities of Coro and Maracaibo offer good examples of regional interests, as they were prominent coastal cities that competed with Caracas.[13] Even a city such as Coro, which was not a provincial capital, still dominated politics and economics over its hinterlands. Founded in 1527, Coro was Venezuela's first municipality established by the Spanish and served as the capital until 1602 when it fell under the authority of Caracas. Nonetheless, *corianos* (residents of Coro) had a very strong sense of sovereignty over their territory and had a tradition in which the provincial governor was either a local or came directly from Spain. The *corianos* prided themselves on not being governed by officials from more dominant municipalities such as Caracas, Bogotá, or Santo Domingo.[14] Similarly, Maracaibo enjoyed autonomy from both Bogotá and Caracas. Economically, it was the principal port in western Venezuela, controlled the transport routes that moved goods from the Andes to the sea, and had strong business networks that extended into Nueva Granada. By the eighteenth century, the city's elites had consolidated their position as the entrepôt of oceanic trade over an enormous economic zone. Like Coro, the city of Maracaibo pursued as much control over its region as possible and preferred a minimum of outside interference.[15]

Bourbon Reforms—Geography and Administration

In opposition to these local aspirations for autonomy, the Bourbon dynasty, which had controlled the Spanish throne since 1700, pushed a

number of reforms designed to make imperial administration more efficient, society more orderly, and the economy more productive. Typical of Bourbon Reforms throughout the empire, the colonial administration enforced policies that gave preference to *peninsulares* over creoles for administrative posts, raised taxes, and tightened some trade regulations in order to reduce contraband and increase tax revenues.[16] Another reform, *comercio libre* (literally "free trade"), facilitated an increase in commercial activity and in state revenues in some regions.[17] Overall, however, the reforms were overly ambitious and structurally unable to enforce strong regulation over such a vast, agriculture-based society.[18]

Within governmental structure and administration, the Bourbons sought to clarify hierarchies in order to make institutions and society more efficient, predictable, and controllable. These changes formed part of a larger process that marked a movement in eighteenth-century European governance toward greater centralization and clearer administrative hierarchies. For centuries, colonial governmental institutions coexisted with no clear hierarchy among them: the viceroy, *Audiencia*, Church, and military all jostled against each other and competed for power. At the local levels, *corregidores*, mayors, and judges challenged each other's authority and questioned each other's jurisdictions. The outcome of these rivalries at times was determined by a superior official or a court, but could also depend on each party's contacts, guile, and charisma. Some level of hierarchy certainly existed—for example, a mayor would not challenge a viceroy. Still, government officials and institutions within each locality constructed an informal hierarchy in the absence of a clear formal one.

The Bourbon Reforms altered the administrative map of Greater Venezuela and added significantly to the power of Caracas. All of Greater Venezuela came under the jurisdiction of Bogotá within the new Viceroyalty of Nueva Granada (created in 1717), which included what are today modern Ecuador, Colombia, Panama, and Venezuela.[19] Caracas became the seat of the area's *Intendencia* and *Capitanía General* (1776), which was a unified administrative region with borders that correspond to the modern country. The Reforms also established in Caracas the *Audiencia* (1786), the court of the merchant guild (*Real Consulado*, 1793), and the Archdiocese (1803). By the late colonial period, therefore, the Captaincy General of Venezuela enjoyed almost complete autonomy within the viceroyalty. Notably, when the viceroy in Bogotá wrote his *Memoria* (report) upon leaving office in 1803, he discussed Nueva Granada and Quito at great length but made barely any mention of Venezuela; the Captaincy General was outside the purview of his report.[20] In his 1858 book, *Historia*

de la Revolución de la República de Colombia, José Manuel Restrepo observed, "the captain general of Venezuela exercised in his territory authority equal to that of the viceroy [in Bogotá]."[21] This new structural order granted the region far more autonomy from Bogotá, but less autonomy from Caracas and Madrid, as salaried colonial officials and *intendentes* gained power over local elites and the creole-dominated *cabildos*.

Not surprisingly, these changes met mixed responses. The ascendance of Caracas as a capital of the Captaincy General chafed the pride and ambition of the other cities and drove resentments that would prove instrumental during the independence wars. Even within Caracas Province, local *cabildos* resisted Caracas's increased prestige and power as the city exerted far greater control than had the distant viceregal capital.[22] The *cabildo* of Caracas itself at times resisted the *Audiencia*'s interference in its internal affairs and elections.[23]

Intellectual Changes—Access to the Enlightenment

During the last decades of colonial rule, elites and middle sectors selectively embraced the Enlightenment and revolutionary ideologies that circulated in the Atlantic world. A key element in this development was the Spanish Crown's policy of *comercio libre* (policies that loosened trade regulations), which allowed the colonies to trade not only with Spanish merchants but also directly with each other and at times with neutral foreigners. The resulting increase in commerce played an instrumental role in this ideological shift for two reasons: (1) a rise in foreign trade, both licit and illicit, expanded Venezuelans' access to European ideas; and (2) the greater freedom of trade augmented the power of merchants and *hacendados* who engaged in export trade, and stimulated their desire for yet more freedom of trade. The ideals of republicanism and liberalism, therefore, began to spread principally, though not exclusively, among coastal whites and some *pardos*.[24]

Consequent to the introduction of *comercio libre* in the *Capitanía General* in 1784, a certain proto-liberalism began to flourish among Venezuelan merchants. After Caracas became the location of the province's merchant guild, or *Real Consulado*, in 1793, Venezuelan creoles enjoyed almost complete control of their export activities, because foreign-born merchants did not dominate export trade nearly to the degree that they did in many of Spain's other colonies.[25] The Captaincy General benefited greatly from these policies and became "Spain's most successful agricultural colony."[26] The landowning/merchant class became dedicated to an

export economy and free trade, and developed a sense of private rights, particularly inviolable personal property rights.[27]

With the flow of trade came the revolutionary ideas from Europe, to a much higher degree than found in most of the rest of the empire. In comparison to the rest of Hispanic America, Alexander von Humboldt considered Caracas and Habana to be "more enlightened about the political relations of nations."[28] Alexander von Humboldt, who explored the *Capitanía General* in 1799–1800, observed that Venezuela had the best ports, and the best coast for trade, in all of America. Because of these geographic advantages, he reasoned, Venezuela had more contact with foreigners and foreign ideas.[29] Humboldt was not alone in this opinion, as other foreign travelers to the province mentioned contraband copies of the writings of Rousseau, Raynal, and Thomas Paine. "Depons, Ségur, Lavaysse, and others commented on the tolerance, the intellectual curiosity, and the sophistication of society in Caracas; it had, Ségur observed, the appearance of a European capital."[30]

The policies of censorship imposed by the Crown and Inquisition clearly were not entirely effective, and some Venezuelans, particularly the younger generation, began to embrace revolutionary ideology. In the late 1790s, the *Capitán General* (the administrative leader of the *Capitanía General*) reported that the province was inundated with a "multitude of newspapers, journals, and supplements" that propagated the "diabolical" ideas coming out of Paris.[31] In the first years of the nineteenth century, the Venezuelan José Domingo Díaz observed with dismay that the younger generation, influenced by French revolutionary texts, met in "seditious meetings" and discussed overthrowing the government. For these youths, "the ideas of license and democracy were the idol of their adoration."[32] After the independence war had begun, in 1814 Humboldt wrote, "Can we wonder that this facility of commercial intercourse with the inhabitants of free America, and the agitated nations of Europe, should in the provinces united under the *Capitanía General* of Venezuela, have augmented opulence, knowledge, and that restless desire of a local government, which is blended with the love of liberty and republican forms?"[33]

Bourbon Reforms and Social Mobility

Simultaneously, the late eighteenth century saw increased upward social mobility, some of which caused considerable distress for the creole elite. One relatively uncontroversial avenue of advancement came through the study and practice of law, which was open to any male of pure white

background. From 1786 to 1790, Caracas saw the establishment of the *Audiencia*, a lawyers' guild, and a law school, all of which brought new prestige to the legal profession. Some law students came from *mantuano* families, but most were the sons of modest *hacendados*, merchants, colonial officials, and military officers. Nonetheless, lawyers participated in the colony's administration and could hold prestigious positions. The ranks of the elite, then, changed as they included more men who gained status through education and merit rather than birth. These new generations of lawyers, exposed to Enlightenment ideas through their legal education, would prove very important during the independence war and early republic, as they worked for the new government and drafted new legislation.[34]

Far more unsettling to the *mantuanos* was the upward mobility of the *pardos*, who took advantage of not only opportunities for professional advancement but also greater equality with whites. Though *mantuanos* and many historians describe late colonial racial hierarchies as rigid, in fact there was considerable fluidity and ambiguity.[35] The whites enjoyed exclusive access to enroll in the university, occupy colonial posts, and work in intellectual professions such as lawyer, priest, and scribe.[36] Nonetheless, urban *pardos* worked in a range of professions and were gaining social status based on wealth, profession, military service, and education. Further, they increasingly claimed to have honor and demanded the right to enter elite society.[37]

By the 1780s, there were numerous instances in which *pardos* in Caracas Province challenged white privilege and announced publicly their right to have honor just like whites. *Pardos* asserted that there was only one Adam, that all humanity came from the same family, and that they had the same inherited qualities as did whites.[38] When parents rejected a *pardo* as a potential marriage partner for their child, at times the *pardos* responded that, regardless of racial lineage, they were social equals based on behavior and character.[39]

A series of Bourbon Reforms exacerbated white anxieties by promoting social mobility for nonwhites. In the late eighteenth century, the Crown allowed nonwhites to form their own militias with their own officers, a move that broke centuries of tradition that had excluded nonwhites from the officer corps. What turned out to be more inflammatory were two royal decrees, one that required better treatment for slaves (1789) and another on *gracias al sacar* (1795). The latter was legislation that enabled subjects to change their legal racial status so that, for instance, blacks could become mulattos or mestizos could become white. From an admin-

istrative perspective, the new regulations were simply an attempt to regularize and legislate royal pardons and favors for loyal vassals, which had for centuries occurred merely on the king's whim.[40]

From the perspective of Venezuelan elites, these regulations were a direct assault on their status and a recipe for social chaos. In 1789, they explained to the *Audiencia* why slaves or *pardos* should not be treated with any greater laxity: "Within them there is no honor to restrain them, reputation to inspire them, shame to oblige, esteem to give them reason, nor virtues that make them conform to the Laws of Justice. Their profession is drunkenness, their intent is robbery, their response is treason."[41] The *mantuanos* demanded that the decree of *gracias al sacar* be revoked because it offered "open protection . . . to the Mulattos, or *Pardos*, and all vile men in order to lessen the estimation of the old, distinguished, and honorable families."[42] The Council of Indies permanently suspended the *Cédula* on the treatment of slaves[43], and Venezuela was the only colony that effectively blocked implementation of *gracias al sacar*.[44]

The *pardos*' response to the whites' arguments reflected their ever-increasing rejection of rigid racial boundaries. In 1797, Jacinto Sánchez Tirado, a representative of the *pardos*' guild of Caracas, traveled to Madrid to respond to the efforts by the *mantuanos* to revoke *gracias al sacar*. He argued that the whites made false claims that they "are a distinct species from other men, or . . . that only within them can you find sentiments of honor and probity." Tirado recognized the necessity of social hierarchies and the validity of inherited differences, but insisted that individual conduct mattered more: "The petitioners have the disgrace, it is true, to not be of European origin; but if their conduct has been equal to that of whites, if they have always done their best in the service of His Majesty . . . what just cause can there be not to compensate them for their merit." The petition insisted that if whites lived as *pardos*, or *pardos* lived as whites, they would behave like each other. Tirado held that if a *pardo* demonstrated admirable character, he should be able to advance professionally and socially, as did whites.[45]

The response of the *pardos*' guild demonstrated a wider argument by *pardos* for greater social fluidity and a weakening of inherited privilege. Notably, in this and other statements by *pardos* in the 1780s–1790s, they did not promote liberal ideology in that the statements did not argue for natural equality or individual rights, nor did the *pardos* seek to eliminate racial distinctions, slavery, or inherited social hierarchies.[46] Rather, they argued for corporate rights that allowed a man to improve his condition based on merit and for the king to reward loyal vassals regardless of lineage.[47]

Ultimately white privilege, social order, and political calm remained intact. Few *pardos* spent the money necessary to change their status and, though they comprised the majority of the population, the *pardos* did not rebel.[48] Despite creole fears, the Bourbon Reforms and racial competition did not spark social violence or erase white privilege. Unlike late colonial Peru of New Granada, in which nonwhites fought violently against oppression, late colonial Venezuela did not have an explosive social or political milieu. Indeed, Caracas enjoyed a combination of economic growth and internal calm not found anywhere in the last decades of Spain's empire, with the possible exception of Havana.[49]

Nonetheless, the Reforms added momentum to a cultural shift that fanned tensions between races and between creoles and the metropolis. *Pardos* sought to modify (not abolish) an estate society such that social boundaries would be more fluid and more based on merit, and they challenged the derogatory terms with which whites labeled them.[50] For their part, late colonial white elites believed their rights and position to be threatened, not only by bad administrators but also by the king himself. Other Bourbon Reforms included placing more *peninsulares* into colonial posts at the expense of creoles and the development of a corps of professional, salaried officials (*intendentes*) with enormous authority in the colonies. Elites, therefore, saw themselves squeezed from above and below: Bourbon policies blocked their ascent by favoring *peninsulares* for the highest positions in colonial government and simultaneously encouraged the *castas* (nonwhites) to climb up into positions that were traditionally the elites' exclusive domain. The king no longer acted as a protector and seemed to promote "*malas ideas*."[51]

These struggles over racial status not only represented social stresses but also demonstrated efforts by the metropolis to increase centralized control. And at times the king won, as when, in 1803, Carlos IV forced the university and bishop to allow a *pardo* to enroll in order to become a priest.[52] The Bourbon kings did not believe that whites and blacks were equal. Still, royal authority asserted the prerogative to reward those subjects, including nonwhites, who proved themselves superior to the rest of their kind.[53]

Political Unrest

At the same time, the revolutionary forces from the North Atlantic penetrated into Venezuela and brought real threats to the political order. The most conspicuous example was the 1797 revolt known as *La Conspiración*

de Gual y España. Several prominent *caraqueños* (residents of Caracas), inspired by revolutionary ideas from Spanish radicals, sought to overthrow the colonial government and replace it with a republic based on neoclassical notions of civic virtue and citizenship. The plan called for full racial equality, the abolition of slavery, and the recognition of natural rights (equality, property, liberty, and security). In their letter to the "Free Inhabitants of Spanish America," the conspirators commanded: "Banish all the worries and superstitions that they teach you, and the various hatreds with respect to mixed blood" and called for "a free Government, independent and administered for virtuous, elected men."[54]

Though authorities arrested the conspirators before they could launch their revolt, the situation illuminated several of the stresses facing colonial society and the Atlantic world more generally. The movement had already attracted a diverse following that cut across racial and class lines. The investigation identified eighty-five rebels, including not only elite whites but also artisans and numerous *pardos*. In fact, of the six principal conspirators, three were white creoles (including the conspiracy's namesakes, Manuel Gual and José María España), two were Spanish, and one was a *pardo* artisan and militia member.[55]

The loyalty of the *mantuanos* remained steadfast, as they overtly declared their allegiance to the Spanish king. In 1806, Francisco de Miranda, a Venezuelan who had fought in the French Revolution and lived in Britain, landed a small invasion force in Coro and sought to "liberate" Spanish America and establish a republican government. As it happened, no locals came to support his cause, and the *corianos* easily repelled his force back into the sea.[56] As had happened in 1797, the *mantuanos* again publicly affirmed their loyalty to the king.[57]

Clearly the ideology represented by these movements, which sought to abolish inherited privilege entirely, was far too radical for the creoles at that time.[58] Most creoles may have wanted some liberalization of economic and administrative policies, but they did not want more liberal social hierarchies. Late colonial society clearly contained tensions between the competing forces of elites who vigorously upheld a hierarchical system, nonwhites who pressed for greater social mobility, and revolutionary ideologues who threatened to shatter the entire political-social order. Though elites opposed the Crown's efforts to promote greater social fluidity, they remained loyal subjects of the Spanish Empire due to tradition and to preserve their class interests. In 1811, however, the loyalty of the Caracas elite collapsed.

The Independence Movement

Autonomy

At the twilight of the colonial period, the great majority of Venezuelans, whether white or *pardo*, rich or poor, were faithful to the Crown, and an independence movement would not have erupted without the convulsions of the Napoleonic Wars in Europe. The French emperor from Corsica threw the Hispanic world into upheaval when he convinced the Spanish king, Carlos IV, and his successor, Ferdinand VII, to abdicate, and then placed his brother, Joseph Bonaparte, on the throne in Madrid. Nationalist rebellion broke out on the peninsula, and Spanish loyalists formed an opposition government in Cádiz under the protection of the British navy, all of which sent the Hispanic world into a crisis of sovereignty. Under the neoscholastic legal doctrine of the day, in the absence of a king, sovereignty returned to *el pueblo* (the people), and they alone could decide their fate.[59] Significantly, the independence movement in Venezuela and the rest of mainland Spanish America did not begin because of internal, nationalistic movements for self-determination but rather in response to external events.

The *mantuanos* commanded political responses within Caracas Province, and they led the region first to loyalty, then to autonomy, and eventually to independence. At first, they remained tied to the resistance government in Spain, called the *Junta Central*. However, further French victories over the Spanish government led to the collapse of the *Junta Central*, which the Spanish resisters replaced with a governing body called the Regency. By now, the *mantuanos* were convinced that the legitimate Spanish government had fallen and, therefore, that power reverted to the people. The *mantuanos* formed the *Junta Suprema de Caracas*, which, on April 19, 1810, declared autonomy from Spain and announced itself as the political leader of Greater Venezuela.[60] The declaration of autonomy, which specified that Greater Venezuela would recognize the sovereignty of the king when he returned to power, had support from both *peninsular* and creole members of Caracas's elites. The Captain General opposed the move, but the *Audiencia*, archbishop, *consulado*, and other leading individuals all supported it.

Though in theory autonomy preserved loyalty to the monarchy, the movement contained more radical elements that revealed republican, nationalist, and anti-Spanish sentiments. These radicals, mostly of the younger generation, were composed of lawyers, notaries, journalists, merchants,

clerics, officials, and some aristocrats. The song "Gloria al Bravo Pueblo," published in 1810, began with the chorus: "Glory to the Brave People/ Which shook off the yoke/Respecting the law/Virtue and honor." The lyrics made frequent calls to oppose despotism and tyranny, apparent references to the Spanish government, and called for patriotic unity: "Why are you waiting Patriots,/children of Columbus?/March behind us/and long live the Union."[61] On December 23, 1810, Miguel José Sanz, a *caraqueño* jurist, explained that the people "need to govern themselves in order to contain the excesses of arbitrariness, to correct the abuses of a government as unjust as it is distant . . . the Province of Venezuela facing the need to govern itself, and to constitute a government that will conserve the rights of its King Fernando, composes today the *Pueblo Venezolano*."[62]

Though the autonomy movement was sincere in its pronouncements of loyalty to the king, events over the following year drove the *mantuanos* to declare full independence. Most of Greater Venezuela accepted autonomy and recognized the leadership of Caracas, but Coro, Maracaibo, and the Province of Guayana declared loyalty to the Regency in Spain. Caracas's *Junta Suprema* sent a military force to Coro to demand that it recognize the authority of Caracas and declare autonomy. Coro refused, and the two cities exchanged a series of increasingly belligerent communiqués. Eventually, Caracas withdrew the military force without having fired a shot, but the confrontation had entrenched the two sides and fomented an air of defensive hostility. Simultaneously, the Regency in Spain ended Caracas's free trade with foreigners and then blockaded the city's port in an effort to force Caracas to recognize its authority. These moves hardened the position of the Caracas autonomists, who now said that the Regency was not a legitimate government, did not legally represent the king, was incapable of protecting the Capitanía General, and hoped to exert tyrannical control over the people.[63] The radicals gained control of the local *junta* and Congress.

The Declaration of Independence and the First Constitution

In 1811, Caracas's *Junta Supremo* dissolved, to be replaced by the *Supremo Congreso de Venezuela*, which declared itself the highest authority in the Capitanía General. While members of the *Junta Suprema* had come exclusively from Caracas Province, the delegates of the *Supremo Congreso* came from throughout Greater Venezuela, excepting, of course, those areas that had rejected autonomy. Members were still, however,

exclusively from elite families. On July 5, 1811, Congress declared full independence from Spain with nearly complete unanimity; even the clergy supported independence, and only one member of the Congress opposed it.[64] The army officer corps in Caracas Province split largely based on rank; most lower rank officers supported independence while higher-ranked officers remained royalist.[65]

The Congress then set to compose a constitution. One of the most contentious issues was whether to retain the old regime's legal inequalities. Initially the majority of delegates argued to retain racial hierarchies, as they feared that an abrupt declaration of racial equality would lead to social unrest. Better, they reasoned, "to introduce [equality] little by little, without quickly making it a general rule, which would invert the order." Just two delegates supported racial equality and maintained that social unrest would be far more likely if the Congress denied *pardos* equality: "[T]he *pardos* are already enlightened, they know their rights, they know . . . that they have a *Patria* that they are obliged to defend and from whom they can expect a reward when their labors deserve it. To alter these principles and deny the *pardos* equality of rights is a manifest injustice, a usurpation and an insane policy that will drive us to our ruin."[66] In essence, this faction argued that it was more just and prudent to give the *pardos* equality rather than have them take it by force, as happened in Haiti. The debates over race lasted several months, occurring simultaneously with debates over whether to preserve an aristocracy and *fueros* for the military and the Church. Unfortunately, we don't know the evolution of the debates on these subjects because the book in which they were recorded has been lost.[67] Nonetheless, eventually arguments in favor of equality won the day. On December 21, 1811, Venezuela produced Spanish America's first constitution, and it established full legal equality (for males).

This first constitution laid down many of the features that would characterize subsequent Venezuelan constitutions, though the republic that it established lasted only a year. It asserted a classic view of the formation of a social contract formed by rational, equal individuals, as laid down by authors such as Locke and Rousseau. The 1811 Constitution abolished all hereditary titles, established full legal equality regardless of family or race, and abolished the slave trade though not slavery (Articles 145, 148, 202). It recognized the natural rights of liberty, equality, property, and security (Articles 152–54), and granted freedom of expression (Article 149). The government would be elected, representative, and would embrace a separation of powers among the executive, legislative, and judicial branches. Suffrage went to free adult men who owned property or who had a degree

in a science or a liberal art (Article 26). Successive constitutions upheld these principles. Distinctive features of the 1811 Constitution were that it recognized Roman Catholicism as the state religion, and it was highly federalist. Later constitutions did not mention religion and granted more power to the central government and the executive branch.

As noted by Inés Quintero, in the preceding years, the leaders of Venezuela's nobility and principal families doggedly preserved legal hierarchies. However, between 1810 and 1811, in a remarkable turn of opinion, they abolished the hierarchy that sustained their own privileges. In so doing, they founded a republic.[68]

The (Independence, Civil, Regional, Racial) War, 1811–1823

Not all of Greater Venezuela accepted the new republic headed by Caracas. Fighting between republicans and royalists began almost immediately after the declaration of independence, and the First Republic lasted little more than a year. While much of Greater Venezuela supported the Caracas radicals or remained undecided, several areas declared themselves royalist, such as the cities of Maracaibo, Coro, Valencia, and Puerto Cabello, and the eastern Province of Guyana. Over half of the population resided in the Province of Caracas and thus was strongly influenced by the events in the capital city. As the war progressed, however, most residents in the Province of Caracas proved willing to accommodate whichever force was in power and never gave consistent support to either side.[69] The *mantuanos* themselves were not entirely united, and some families split over the issue of independence. For instance, Simón Bolívar's sister, María Antonia Bolívar, was a vocal opponent of the independence movement.[70] Further, the *mantuanos* who supported independence had assumed they would remain in control of the revolt. Their support of the movement waned when they saw that it spawned a social revolution of *pardos* and poor whites.[71] Spanish forces arrived in Coro and began a repressive campaign in March 1812. That same month, a massive earthquake struck Caracas, which convinced many residents that God opposed the revolution. By July, after a series of defeats, the republicans conceded defeat and suffered arrest, execution, or exile.

After the collapse of the First Republic, Simón Bolívar rose in prominence and eventually became the independence movement's leader. The son of a wealthy family, he was well educated in Enlightenment philosophy, had traveled in Europe, and was devoted to turning his homeland

into a free republic. While he was periodically in exile during 1812–1816, other leaders led numerous, fragmented independence movements that had little coordination and very poor supplies.

The year 1817 proved to be a decisive turning point in the republican cause. By this time, the republicans had the loyalty of the *llaneros*, the mixed-race people of the llanos whose devastating cavalry had at first supported the royalists but, then in 1816, supported independence. In 1817, Bolivar ended his last exile, patriot troops took all of Guayana Province, and they established a capital at Angostura. The occupation of Guayana not only brought a large territory from which to gather supplies but also gave the patriots control of the Orinoco River, which became a secure highway that connected the country's interior directly to the coast and the Atlantic beyond. British weapons manufacturers at that time suffered a surplus of product since the defeat of Napoleon in 1815, and the republicans had much greater access to purchase guns, cannons, ammunition, and powder in London and the Antilles. Bolívar also took control of production and distribution of provisions (beef, flour, plantains, rum, casaba, bread, corn, etc.) and arms for the patriot forces. Through force of character and control over the supplies of war, Bolívar cemented his control over the splintered republican forces and brought them a new level of unity. In their pivotal victories in 1819 and 1821, the republicans demonstrated a much matured logistical apparatus, unity, and leadership.[72]

The momentum of the war swung definitively toward the republican cause in 1819. That year, Simón Bolívar allied the independence movements in Nueva Granada and Venezuela. He defeated the Spanish army in Nueva Granada at the Battle of Boyacá (1819) and then broke the back of Spanish forces in Venezuela at the Battle of Carabobo (1821). Bolívar then turned the Colombian army to the south and, in the next three years, defeated the royalists in Quito (Ecuador), Peru, and Upper Peru (Bolivia). Venezuela now formed part of the republic of Gran Colombia, which encompassed the old viceroyalty of Bogotá and included what are today the countries of Ecuador, Colombia, and Panama.

The leader of the *llaneros*, José Páez, remained in Venezuela to deal with the remaining royalist cities of Coro, Maracaibo, and Puerto Cabello, all of which had surrendered by 1823. After that point, a few royalist guerrillas remained in Venezuela until 1830, but they never posed a serious threat to the republican cause. Historians typically mark Venezuelan independence in 1821 (Battle of Carabobo), with full pacification in 1823.

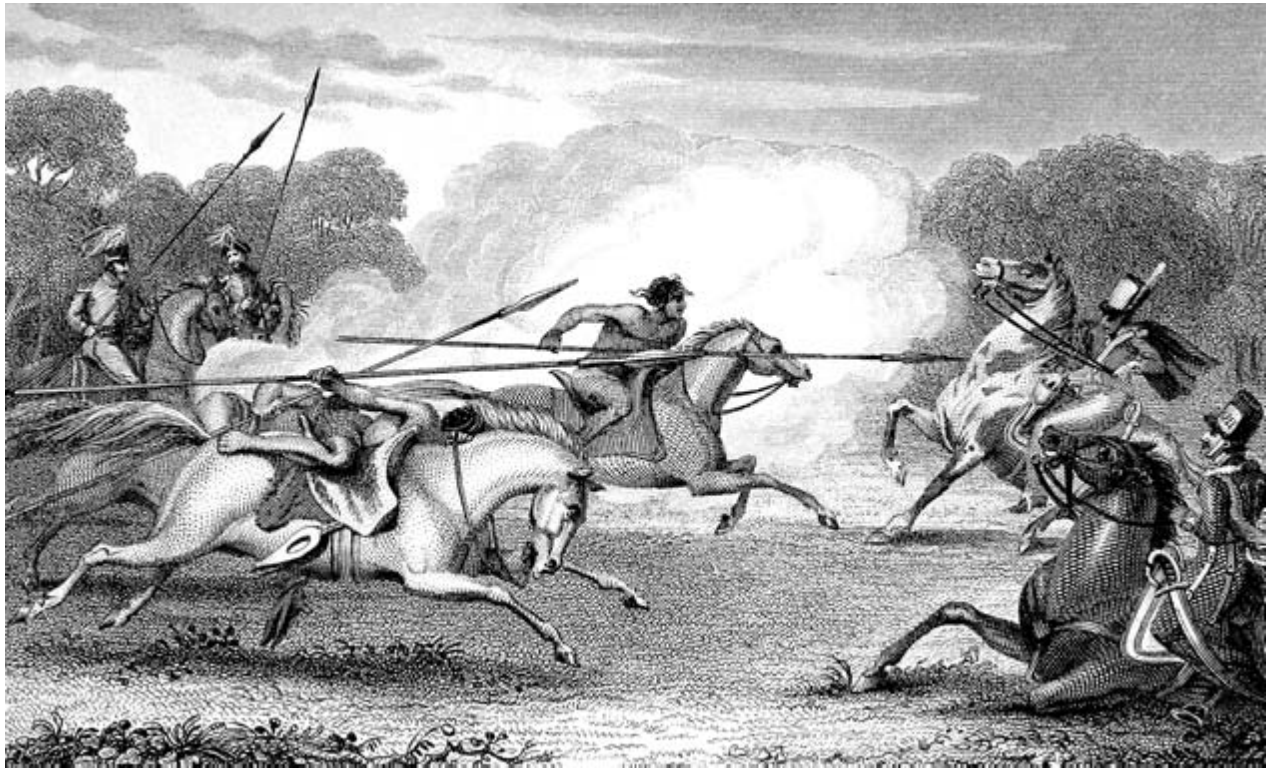


Illustration 1.1. *Llanero* horsemen attacking Spanish troops. Libros Raros y Manuscritos, Biblioteca Nacional de Venezuela. *Lancers of the plain of Apure attacking Spanish troops.* Published in *Travels Through the Interior Provinces of Colombia*, by John Potter Hamilton, London, 1827. Photograph by Yuri Liscano.

The war for independence in Venezuela proved to be the most devastating in all of Latin America. Violence had flared in some part of the territory for 12 years, and the central, most populated region traded hands numerous times. Various factions fought each other over issues ranging from independence, royalism, regionalism, and class and racial conflict, or just for booty. Contemporaries estimated that as much as one-third of the population disappeared through death or exile, and some scholars reckon the population may have dropped by as much as 44 percent.[73] The wealthy creole population suffered the greatest damage, as they joined the republican cause in disproportionately high numbers and also died at the hands of poor *pardos* who attacked haciendas for booty and revenge. The factors that drove such violence bear some consideration, not only because of their destructive energy during the 1810s but also because they continued to mark the evolution of the republic long after the war ended.

ROYALISM AND REGIONALISM

The ideological roots of Venezuelan royalism had various strains that included regionalism as well as loyalty to the king and the old regime's social-political order. Race relations also factored in royalism, which will be discussed below. Many of the creole royalists fought the republicans partly to prevent independence but even more to impede the advance of the rationalism, secularism, and social equality that the republican movement represented.[74] Simón Bolívar's sister, María Antonia Bolívar, openly opposed her brother's politics because she deeply objected to the premise of equality, which she predicted would lead only to disorder.[75] The Marquis of Toro (Francisco Rodríguez del Toro) supported the autonomy movement and signed the declaration of independence. However, he had assumed that the *mantuanos* would remain in control of the revolution and would lead a socially conservative republic. He was horrified by the social revolution and the racial violence that erupted in 1811 and, after the First Republic's defeat in 1812, he fled to the Caribbean and renounced the revolution as a tragic mistake.[76]

At the same time, the ruptures of the independence movement stimulated regionalism, as some areas saw this as an opportunity to gain greater autonomy. Mérida, a dominant city in the Andes, supported the republican cause because it hoped that, in an independent republic, it would no longer be under the administrative jurisdiction of Maracaibo.[77] For other cities, however, royalism seemed a better strategy. Regional identities, and opposition to the domination of Caracas that had heightened due to the Bourbon Reforms, proved to be enormous contributors to the violence in

the 1810s and throughout the nineteenth century. When Caracas founded an independent republic in 1811, it sought to reduce the importance of the regional cities, to make the capital the uncontested center of political power, and to recast people's principal political identity as national rather than regional, provincial, or municipal. Those cities that already resented the hegemony of Caracas, therefore, supported royalism in order to augment their own autonomy.

For its part, Maracaibo remained royalist, as independence seemed to offer only disorder, less prestige, and more subjugation to Caracas. The city elites feared that a change of political status could catalyze a revolt by slaves and *pardos*, which had occurred in Coro in 1795 and in Maracaibo in 1799. Further, they did not want to be dominated by Caracas.[78] The delegate from Maracaibo to the Spanish Cortes in Cádiz in 1812, informed the assembly, "Maracaibo should not depend on Caracas for one moment." Indeed, he pushed the Cádiz Cortes to expand the borders of Maracaibo Province and convert it to a Captaincy General so that it would be on the same administrative level as Caracas.[79]

Coro also sought to augment its position and to defend itself against outside influences. More than other coastal cities, Coro was at this time famously conservative in its social and political habits and had a tradition of distrust for outsiders and foreign influence. The *corianos* held a particularly strong antipathy toward the English, their city having been sacked by English sailors in 1590, 1659, and 1740. When the slaves of Coro revolted in 1795, the elites blamed the uprising largely on the influence of French Revolutionary ideas coming from Haiti. When Francisco de Miranda landed at Coro in 1806 with his entourage of British and US mercenaries, hoping to "liberate" the Americas from "Spanish tyranny," the *corianos* promptly drove him back into the sea. Therefore, Caracas's republican autonomy movement, motivated by North Atlantic ideology, in no way appealed to the Coro elites. They resisted domination from Caracas and Bogotá, mistrusted the foreign ideas that would accompany such domination, and cherished the autonomy they enjoyed as subjects of the king.[80] Leading figures of Coro corresponded with the government in Spain to request rewards for their loyalty, which included (1) increase of economic freedom and investment in the region; (2) reduction of the control that Caracas exercised over the region; and (3) creation of the Province of Coro, which would put it on par with cities such as Maracaibo and Cumaná.[81]

Eventually, however, the royalists conceded to the independence movement. Maracaibo joined the republic of Gran Colombia after the republican victory at the Battle of Carabobo (1821). Maracaibo Province

successfully avoided violence throughout the entire war period, and its elite class remained intact.[82] Coro, however, saw far more bloodshed and fracture. After the Battle of Carabobo, the region's elites split, as some joined the independence cause while others vowed to resist. The city traded hands numerous times until Puerto Cabello (the other royalist holdout) and Coro succumbed to the final republican victory in 1823. Several Coro elites remained and joined the republic, whereas others left to live in Cuba and Puerto Rico and remain loyal subjects of the king. Ironically, the republic granted to Coro what the king had failed to secure—in 1830, independent Venezuela formed the Province of Coro, with the city of Coro as its capital.[83] After 1830, Maracaibo also became the capital of a province by the same name, which roughly followed the borders of the colonial Maracaibo Province.

RACE AND CLASS

One of the most decisive factors in the military campaigns was the allegiance of the *pardos* and slaves—with their allegiance so moved the fortunes of war.[84] These groups tended to support the side that offered not only the most material reward but also the most credible promise of equality and freedom. Both sides attempted to recruit *pardos* and slaves, who comprised roughly half the population. Both royalists and republicans offered freedom to any slave that joined their ranks to fight.

Pardos responded to the new political situation in a variety of ways. Within urban Caracas, *pardos* were already active in republican political groups and tended to join the republican forces.[85] Outside of the capital, however, the *pardos* tended to join the royalists in greater numbers; *pardos* were well aware that for decades the creoles had resisted the Bourbons' efforts to augment social and racial mobility, and they trusted the Crown more than the creoles. On the llanos, the great plains to the south, the mixed-race population formed a formidable cavalry in the service of the royalists. This region had always been outside the control of colonial authorities. However, starting in the 1770s–1780s, wealthy coastal elites began to move into the llanos looking for new economic opportunities. These creoles coerced, beat, and imprisoned the local population in order to control them and force them to work as wage laborers. "Thus slaves, peasants, and agrarian laborers saw the creole elite, more than the Crown, as the enemy of liberty."[86]

Further, republican declarations of racial equality did not end racism, and racial fault lines weakened the cause of independence. According to George Dawson Flinter, a Briton who fought in the war, after the declaration of independence, "The rooted antipathy which had always subsisted

between the different grades of colour did not subside, but, on the contrary, it received a new accession of force." The whites invited *pardos* to their social events, but remained very uncomfortable with this social leveling and the fact that "The Negroes and Mulattoes had the privilege of greeting any person, be his rank or situation in life what it might be, with the familiar appellation of citizen."[87] Given these racial tensions and disunity among republicans, the royalist forces soundly defeated the First Republic (1812) and the Second Republic (1814).

Slowly and inexorably, republicans began to recruit more and more *pardos*, in part due to the appeal of liberal ideology but also due to the behavior of the royalists. After the royalists defeated the First Republic, the victors treated the defeated quite poorly and failed to elevate the status of their *pardo* recruits. Further, although Venezuela's 1811 Constitution declared legal equality for all races, the Spanish Constitution of 1812 denied citizenship to Americans of African descent (though individual *pardos* could petition for citizenship, Articles 18 and 22). General Pablo Morrillo and his officers, who led the royalist cause after 1815, also treated the *pardos* poorly. Many *pardos* were aware of these circumstances, and republicans used them effectively to win their allegiance and strategically bolstered their own message of racial equality.[88] By 1816, the *llaneros*, who formed a strategically vital mixed-race cavalry, had switched sides and followed a pro-independence leader, José Páez.

Also in 1816, Bolívar declared emancipation for all male slaves who would fight for the republicans. By this time, generals on both sides had recognized that slaves made tough, disciplined soldiers, and so they competed strenuously to win the allegiance of the slaves. Despite his recruiting efforts, Bolívar remained highly skeptical of the blacks, both slave and free, as he considered them to be stupid, lacking civic virtues, not yet ready for freedom, and not entirely loyal to the patriot cause.[89] Nonetheless, despite the racist attitudes of Bolívar and other republican leaders, *pardos* had begun to join the republican cause in greater numbers both because republican leaders actively promoted their message of racial equality and because, eventually, the republicans appeared likely to win. In 1820, a Spanish officer visited patriot troops under the command of General Páez and found that "The Spanish constitution does not suit them because it denies citizenship to those of African descent."[90]

Ultimately, *pardo* and slave recruits proved to be vital to the republicans' victory and forever changed Venezuelan political discourse. The government of Gran Colombia rewarded their contribution by maintaining the premise of racial equality in the 1821 Constitution. The government did not abolish slavery but installed a law of gradual manumission,

by which children born to slaves after independence would gain their freedom when they reached the age of 18. The upheavals of the war had created a new reality, in which *pardos* and slaves fought for their political rights and proved invaluable to the political aspirations of the creole elite. Humboldt rightly described the strategic quality of the republican policy toward slavery during the war: "the gradual or instantaneous abolition of slavery has been proclaimed in various regions of Spanish America, less from motives of justice and humanity, than to secure the aid of an intrepid race of men, habituated to privation, and fighting for their own cause."[91] Beyond strategic opportunism, Humboldt also noted that the heat of the war had catalyzed a change in race relations: "The great struggle during which Venezuela has fought for independence, has lasted more than twelve years. . . . The sentiment of common danger has strengthened the ties between men of various races."[92]

WOMEN

Women also participated in the war in a variety of ways, as will be discussed further in chapter 5. Women served both sides in a variety of activities, including picking up arms and fighting on the front lines. Most women, however, participated in more traditionally feminine roles such as nursing the wounded, preparing food, transporting goods, and delivering messages. Women took part for a variety of reasons, ranging from an attachment to ideology to protecting their families, property, and themselves. Despite the ideological fervor of the time, Venezuelan women combatants apparently did not expect a change in their status as women. When the war ended, they returned to their domestic roles and did not press for greater political rights or social status.[93]

The Independent Republic

As the war finally came to an end, the radical liberals, headed by Bolívar, triumphed. The war had devastated large swaths of the country, particularly in the areas of the central coast and llanos. The wartime violence had burned haciendas, destroyed infrastructure, left an enormous national debt, and eliminated roughly one-third of the population through death and exile. The elites, the masters of production and administration, were particularly depopulated. Nonetheless, the victors looked upon Venezuela and Gran Colombia with optimism and ambition.

In comparison to other Spanish American republics, Venezuela saw far less conservative opposition and political instability during the first

three decades of independence. Conservative voices certainly existed in Venezuela (promoting policies such as increased power of the central government and the Church, the return of military and Church *fueros*, and the maintenance of a formal social hierarchy), but they did not gain enough traction to seriously threaten the liberal agenda. Violence and unrest persisted, as the countryside saw banditry, regional flare-ups, racial and social tensions, and local rebellions, but these did not spread to become wider conflagrations. Venezuela emerged from the independence war as a province within the larger country of Gran Colombia, which also included what are today Ecuador, Colombia, and Panama. Twice Venezuelans sought secession from Gran Colombia, but both the aborted movement of 1826 and the successful movement of 1830 occurred peacefully. One conservative rebellion, in 1835, captured Caracas and attempted to undo liberal reforms. Within three weeks, however, civilian militias retook the capital and returned power to the elected president and Congress. Aside from this one incident, control of the capital traded hands through peaceful elections, not through violence. Though the country's elites disagreed with each other vehemently, the topics of debate tended to remain within the sphere of liberal reform. The Conservative and the Liberal political parties, which emerged in the 1840s, both promoted liberal standards, and confusingly, the Conservative Party was actually more liberal than the Liberal Party. The narrative of the early republic, therefore, is marked by the inexorable dominance of liberal ideology over conservatism amid significant social changes, regional struggles, and obstacles to state formation.

Social Changes

POOR BLACKS AND WHITES

The war had catalyzed a number of social changes and increased social mobility, though these changes were not enough to satisfy the rising expectations of the poor, who had gotten a taste of the possibilities offered by liberal ideology. The economy remained agricultural and techniques of production saw virtually no change.[94] If anything, the rural poor enjoyed fewer opportunities after the war as wealthy landowners consolidated larger and larger estates (see chapters 6 and 7).

Elites attempted to slow social change out of a desire to protect their own position and a fear of popular unrest, and the poor did not organize for social change in a way that was politically forceful. The leaders of Gran Colombia such as Bolívar and Francisco de Santander were grateful to the *pardos* for their support in the war, but fundamentally did not trust the

pardos' motivation or loyalty to the republic. They feared that the *pardo* society would degenerate into chaos or, worse, that the *pardos* would overthrow the whites and establish a *pardocracia*, or rule by *pardos*, as happened in Haiti.[95] Nonetheless, as Aline Helg describes for New Granada, the blacks of Venezuela never organized to create a racialized political movement and did not insist on the immediate emancipation of slaves. In the war, blacks accepted white leadership and continued to do so when peace returned. Encouraged by color-blind suffrage laws and legal equality within the Constitution, *pardos* did not advocate more rights for the disenfranchised, such as vagrants, women, or slaves.[96]

Further, the *castas* had gained legal equality, prestige, and honor through military service, and, through property confiscated from royalists, some became *hacendados* or merchants. They could now attend universities, serve as military officers, and hold prominent positions in government. Certainly racism persisted and blocked the ascent of many *castas*, such that upward mobility remained more a dream than a reality for most of the poor. Nonetheless, a spirit of meritocracy had grown during the war years, and racists had to adopt more subtle strategies than before if they wanted to keep *castas* from rising in society.[97]

The government took over three decades to emancipate all slaves and integrate them into the general population. The Congress feared that immediate emancipation would be economically devastating and socially disruptive, and because liberalism protected the citizen's right to property (slaves belonged to their owners and could not simply be taken away). The 1820 Law of Manumission ended the slave trade and stipulated that any child born to slave parents after independence would work for his master until age 18, at which time he would be set free and the master would be compensated in cash by the government. Sovereign Venezuela raised the age of emancipation to twenty-one, but kept the majority of the law intact. Though enactment of the law faced administrative and financial complications, slaves steadily gained freedom and the civil rights of citizens (excluding the right to vote, which was tied to property ownership). The slave population in 1800 had stood at 60,000, approximately 7.5 percent of the total population.[98] In 1854, President Monagas emancipated all remaining slaves. At that time, there were 23,378 slaves, which represented 1.7 percent of the total population.[99] Though an immediate and full emancipation of slaves in 1821 would have been more humane, moral, and ideologically consistent, the process of gradual manumission upheld the state's obligations to property owners and had minimal effect on the economy.[100]

ELITES

The fortunes of elite whites varied dramatically, depending on how close they were to the fighting. The elites of Maracaibo, for instance, emerged from the war largely unscathed. The elites of Caracas Province, however, did not fare so well. Bolívar, for instance, ended the war with his family fortune greatly reduced. Many elites of Caracas Province had died or seen their fortunes burned and stolen. As a class, old elite families remained at the top of the social, economic, and political ladder, but they no longer held inherited privileges and could not expect to dominate the *cabildos* as they had in the past. They now had to face a rising wave of formerly poor whites and *pardos*, some of whom had became wealthy during the war.[101] Such changes were very difficult for some members of the old families to accept. María Antonia Bolívar, sister of *El Libertador*, had opposed the independence movement and greatly lamented the loss of proper social hierarchies. She frequently complained about "the arrogance of the upstarts," the "impertinence of the blacks," and the fact that the common people seemed to think that independence allowed them "to criticize and insult anybody on a whim."[102]

Further, new men also entered the ranks of the elite through the legal profession, which had been gaining prestige at the end of the colonial period and became yet more important as an avenue to work within the republic's administration.[103] Venezuela never had as many aristocrats as found in places such as Mexico, Peru, or Bogotá, and consequently postwar aristocrats never had the clout to oppose the new commercial and *hacendado* elites who gained prestige through money.[104]

Padres de Familia

Though the composition of the elite changed with independence, the basic structures of patriarchal hierarchy and the dominion of *padres de familia* remained in place. As a colony, the term *padre de familia* was principally associated with the heads of aristocratic families. As revolutionary ideology took hold in 1810–11, the Caracas *mantuanos* held to the idea that only a small group had the qualifications to lead the republic, though the criteria moved from aristocratic standing to property ownership. For example, on December 23, 1810, the editors of *Semanario de Caracas* explained that the people should be sovereign and that "the people" was an exclusive group: "The voice of the people is solely comprised of those who, having property and residence, have a self-interest in the prosperity of public things. . . . In a well-organized Republic or Kingdom the

property owners compose the sovereign People: they form the laws: and it is they who execute them."[105] Bolívar also maintained his conviction that the majority of Venezuelans were not yet ready for freedom, and until they learned to respect the duties of citizenship, they needed firm leadership from those who already possessed virtue.[106]

Under the republic, the term *padre de familia* broadened to include any property-owning male head of family, regardless of family or racial lineage. Throughout the 1820s–1830s, the country's newspapers promoted a view that a *padre de familia* could be anybody with property, regardless of his profession or racial background.[107] Nonetheless, the exclusivity of the leading class still had a racial element, as a small proportion of nonwhite had enough property to qualify as *padres de familia*, and most creoles still believed that whites were intellectually superior to *pardos* and thus should lead them.[108] *Padres de familia* oversaw the maintenance of the entire social order, which included women and male dependents (many of whom were nonwhite), and therefore patriarchal hierarchy related not only to gender but also to race and class.

Republican law concretized the role of the *padre de familia* as the leader and protector of society. The colonial laws persisted until legislators could refashion the law codes, so that the legal authority of the *padre de familia* over his dependents remained in force.[109] The 1819 Constitution (Section 2, Article 5) declared: "Nobody is a good man nor a good citizen unless he observes the Laws faithfully and religiously; unless he is a good son, good brother, good friend, good husband, and good *padre de familia*." The 1830 Constitution, Article 228, charged the leaders of Venezuela to ensure that the Constitution be upheld. Those leaders so charged included ministers, legislators, patriots, soldiers, religious leaders, and *padres de familia*. Good citizens were family patriarchs, and the law depended on their authoritative rule. *Padres de familia* held a role that was part private citizen and part representative of the state; the legal system endowed them with the authority to use coercive force in order to maintain order.

Enfranchisement correlated to patriarchal power, as those with the right to vote were, in essence, *padres de familia*. Like other contemporaneous republics, Venezuela divided its population into "passive" and "active citizens," in which all had civil rights but only the latter enjoyed full political rights (i.e., the right to vote). Active citizens and *padres de familia* were essentially the same people; they were propertied men who had a voice in public affairs.[110] The active citizen had to be economically independent, and he lost the right to vote if he became a debtor or a domestic servant, which would mean that he was dependent on others.[111]

Patriarchal power, property ownership, economic independence, and full citizenship were entirely intertwined with each other. As Arlene Díaz explains, the basic role and legal status of *padres de familia* retained its colonial form; they were the men who had power over their dependents and the right to correct people who were not *gente de razón* (people of reason).[112] Both the state and the *padres de familia* had a paternal role: to protect and control those people who lacked property, depended on others, and could not control their passions, many of whom were *pardos*. Compared to the colonial period, more people could claim the title and, presumably, any man could become a *padre de familia* through his merit. At the same time, the status of the majority of people—women, children, and the poor—remained unchanged, as they were subordinates to the *padres*.

The Liberal Vision

In 1842, on the eve of an election, prominent writer and politician Juan Vicente González wrote an editorial in which he asserted, "Peace, liberty, and progress is what we all aspire to, the desire of all our hearts."[113] To the Caracas elite, peace was not simply lack of war but also public order—the existence of institutions, laws, and an efficient administration. Liberty was the advance of private interests, into which the government should intervene as little as possible. Progress was what resulted from peace and liberty: roads, enlightenment, economic growth, laws that conformed to these principles, and an administration that allowed competition among capable individuals.[114]

The government's form fit typical republican structures found throughout the Americas. Three distinct branches composed the government: an elected executive (president), an elected bicameral legislature (Congress), and an independent judiciary. All legislation came out of the Congress (located in Bogotá and, after secession in 1830, in Caracas), and provincial governments enacted the congressional laws but could not create laws of their own. Each branch of government had officials that worked within a clear hierarchy, with clearly delineated rules of conduct. The government would be elected, representative, guided by law, and transparent. Elections were indirect; people voted for electors, who in turn voted for the candidates to public office. Property requirements limited which men could vote and limited further which men could serve as electors.[115] Ironically, though it manifestly rejected the Bourbon monarchy, the republican vision sought to mimic the very administrative rationality that the



Illustration 1.2. An idyllic portrait of Caracas. Reproduced by permission from Ministerio del Poder Popular para la Cultura, Fundación Museos Nacionales, Galería de Arte Nacional. *Vista de Caracas desde El Calvario*, by Joseph Thomas, 1839.

Bourbons had promoted.[116] Compared to the Bourbon monarchy, however, the republican government would be far more accountable to the people.

Progress would come through the promotion of "negative" liberty, a bulwark of liberal systems, which holds that the individual is free when the state does not prevent him from attaining his goals. Under a liberal, capitalistic view of "negative" liberty, the citizen is free to pursue his personal interest, and the state should not regulate the citizen's thoughts, morality, or actions as long as they do not hurt anybody else.[117] The Constitution established that "Venezuelans have the freedom . . . to do whatever is not prohibited by the law."[118] The Constitutions also guaranteed freedom of expression,[119] and Congress legalized religious freedom in 1834.

Further, prosperity would come through free commerce. The Constitution forbade the government from prohibiting any type of commercial activity except those that were "necessary for the subsistence of the Republic" or "contrary to public morals and health."[120] In the parlance of the time, economic health and freedom were essential for happiness. As Antonio Leocadio Guzmán wrote in 1826, "Industry, commerce, agriculture, and all the paths that lead a man to happiness, are eternally free."[121]

Elites also promoted a strict dedication to the rule of law as the highest standard of ethics and justice. Legislation produced by Congress represented the will of the sovereign (i.e., the nation), which must be obeyed. Officials and citizens should obey a law even if they found it inconvenient, and nobody should uphold a tradition or religious practice that contradicted the law (more on this subject in chapters 2 and 3). The Constitution emphasized this point: "The obligations of every Venezuelan are: to submit to the Constitution and its laws; to respect and obey the authorities that are its organs." As the intellectual and politician Tomás Lander wrote in 1826: "To be free is to obey the law."[122]

In order to form a more virtuous, enlightened, and rational citizenry, the government developed a system of public education. The Constitution granted to Congress the exclusive right to "promote through laws public education and progress in the sciences, arts, and useful establishments."[123] Bolívar famously cultivated friendships with education pioneers Joseph Lancaster and Jeremy Bentham, and the Gran Colombian government commissioned Lancaster to open several publicly funded schools. Private citizens made some efforts to assist the education project. For instance, the editors of the newspaper *El Observador* provided free copies of each edition to those who could not afford it, and "teachers of arts will

have an appropriate number in order to divide them among the citizens."[124] Overall, however, these efforts in public education did not see great success due to meager state resources.[125]

Typical of republics throughout the Atlantic world, Venezuela promoted a form of freedom that greatly favored propertied men. Only propertied men had the right to vote. The government abolished legal racial and estate status, but upheld slavery until 1854 and maintained women's traditional subordination to men. Congress also curtailed free commerce when it passed laws that forced the rural poor to work as wage laborers, thereby reducing the rural poor to a condition little different from slavery (see chapter 7). Further, the law codes continued to support *padres de familia* and thereby to enforce patriarchy, which ensured the subordination of the majority of the population.

Like other liberals in the nineteenth century, the republican elite did not see social management as a goal of government. They sought political and economic solutions to their problems and thought the social changes would flow forth with the new freedoms. As historian Jeremy Adelman described Spanish American constitutionalists, "creole thinkers sought to unify state systems, not to transform society, but to stabilize it and prepare it for integration into the trans-Atlantic fold of trade, investment, and migration."[126] They promoted education, but they did not believe the government should be a social engineer, as socialists and communists would believe later in the century. As Tomás Lander wrote in 1825, if poverty persisted under freedom, it was probably the fault of the poor: "laziness and idleness are the most pernicious of all vices, because they lead men to all the others. . . . Poverty is not a vice. . . . But, as we continually see, it marks the onset or is the result of another vice."[127] The revolution's job was to form a republican government, and the government's job was to secure liberty, equality, and natural and civil rights. The free, rational man should then guide himself to enlightenment and prosperity. Together, society and government would achieve peace, liberty, and progress.

Obstacles

Numerous obstacles would challenge the realization of this liberal vision. For one, the rational, enlightened citizen was in short supply. Most Venezuelans were unaccustomed to political participation, encumbered by poverty and low literacy, and dispersed throughout a country with poor transportation and communication. According to a demographic and geographic survey conducted by the geographer Agustín Codazzi in 1839,

most of the population was rural, agricultural, and survived at the subsistence level; roughly 80 percent of the population was illiterate, and one-third earned so little money that they existed only at the margins of the monetary economy.[128] From the outset of the independence movement, the elites perceived that the general population lacked the qualities of an ideal citizenry. Bolivar warned the republican congress in 1819 that the populace was ill equipped for freedom because it had not learned the virtues of citizenship while under an absolutist government and "an ignorant people is the blind instrument of its own destruction."[129]

Though the government promoted public education and newspapers published treatises on modern political philosophy, such efforts could not rapidly change the situation. In 1828, an anonymous pamphleteer complained that Venezuelans actually understood very little "of these philosophical ideas" from the North Atlantic:

> Many people . . . repeat the voices of those authors . . . and like a parrot they will speak those few sentences that they understood from the French or English . . . but when you try to learn how the voices define these, no two opinions are in accord. . . . all the beatings that Colombia has suffered in this long period [since 1810] have not only made the multitude of useful men disappear, but has also corrupted our morality, considerably diminished our population . . . and deadened the springs of public prosperity. . . . the spread of enlightenment in Colombia is very slow, and imperceptible.[130]

Clearly, overcoming colonial legacies, integrating new political paradigms, and rebuilding the economy would be daunting tasks. The goal of forging a new political culture demanded more than simply defeating the royalists in battle.

GEOGRAPHY AND DISUNITY

Postindependence Venezuela, like the rest of Spanish America, remained fragmented, and cities and provinces challenged the hegemony of the capital and upheld a regional identity much stronger than any national unity.[131] Geography and poor infrastructure made forming an effective, penetrating administration nearly impossible. At 927,100 square miles, Gran Colombia was roughly the size of central and western continental Europe. Sovereign Venezuela was approximately the size of modern Germany and France combined, and building a sense of unity faced geographic impediments such as the Andes Mountains, plains that flooded

seasonally, and Amazonian forest. People did not hold to a vision of "the nation" so much as a notion of *patria*, which referred to birthplace or home area.[132] Even among educated elites who had read and espoused nationalistic ideology, there was not a notion that Venezuela was a "natural nation." Elites used practical reasons to argue for union (we will be stronger) or for separation from Gran Colombia (Venezuela alone will be more manageable), but not on the basis that "Venezuela's existence as a nation is obvious, natural, taken for granted."[133]

The scarcity and poor quality of roads in itself was a real problem. Communication with the minister of interior and justice in 1831 depicted travel conditions to be so arduous that there was virtually no trade between neighboring counties. Provincial governments viewed the construction of roads to be their highest priority, and foreigners considered rural Venezuelans to be ignorant of and apathetic to events outside their immediate vicinity. Poor infrastructure also made pacifying the countryside far more difficult, as bandits could easily escape authorities into the untamed wilderness.[134] Clearly, overcoming the colonial legacy of disunity and forging a sense of national cohesion would be an enormous challenge.

Another problem facing the incipient state stemmed from the lack of qualified officials. Bourbon administration, which gave *peninsulares* preferential access to government posts at the expense of creoles, explains part of this deficiency in locals having administrative experience. Additionally, the war reduced the ranks of those members of the prewar generation with practical experience. After the war, there was also a lack of educated men (with or without experience) to fill the numerous posts. In 1823, there were little more than two hundred lawyers in all of Gran Colombia.[135] In the decade after the war, the number of graduates from Caracas University with a law degree was roughly two-thirds the number from before the war.[136] In a society in which higher education generally came in the form of either juridical or theological training, the lack of lawyers pointed to a severe paucity of citizens with any advanced education.[137] The lack of personnel and the government's inability to pay a regular salary impeded all state operations. The archives of the Ministry of Interior and Justice are rife with communication from local functionaries who did not receive their salaries, did not have sufficient support staff, and often did not want to perform their duties.[138]

State Successes

Despite the grand array of challenges facing the fledgling state, the young republic achieved a number of policy successes. These achievements

occurred in no small part due to an alliance between civilian liberals and General José Páez, a man who began as a poor *llanero* peon but came to be the most powerful republican general after Bolívar. This alliance granted stability and political consistency to a government that prevailed over challenges from the Church and the military, and pressed for a commercially oriented, civilian-led republic. Though other *caudillos* disputed Páez's position, his military and political prominence only grew. By the late 1820s, therefore, a very powerful union of commercial, political, and military elements had formed around the figure of Páez. As it happened, Páez was more than just an opportunistic *caudillo* but also a man who educated himself in music, diplomacy, and other refinements of a gentleman of the age and remained dedicated to republican values. As such, Páez commanded respect from a broad swath of society. As a towering war hero, a man of humble origin, and the military leader of the *llanero* cavalry, he enjoyed considerable military prowess. As a landowner and a businessman, he appealed to merchants, *hacendados*, and urban bureaucrats. He gained loyalty from the urban and coastal regions that were dominated by financial/commercial interests as well as from the llanos where loyalty derived more from his martial reputation and charisma. The union of civilian ideologues and military force facilitated a number of accomplishments consistent with liberal ideology.

ECONOMIC REVIVAL

Disciplined liberal economic policies proved effective in a number of areas. The government steadily paid down the external and internal debt and established good credit with foreign lenders.[139] Exports had plummeted during the war years, but, due to high demand for commodities and liberalized trade policies, by the late 1820s exports reached 98.6 percent of their prewar value (see figure 1.2) and continued to rise through the 1830s (see figure 1.3). Further, sovereign Venezuela's gross domestic product (GDP) steadily rose (see figure 1.4).

From 1831 to 1851, GDP rose at an average 2.39 percent per year and declined only twice, in 1838 and 1848. As was the case throughout Latin America, this rise in GDP did not lead to a more even distribution of wealth, and over time frustration among the poor increased. Nonetheless, from the perspective of export values, GDP, and debt payment, the new economic regime appeared well-directed and managed.

SUFFRAGE

The practice of elections also marked a degree of success for the young republic. To vote, a man had to be at least 21 years old or married, and

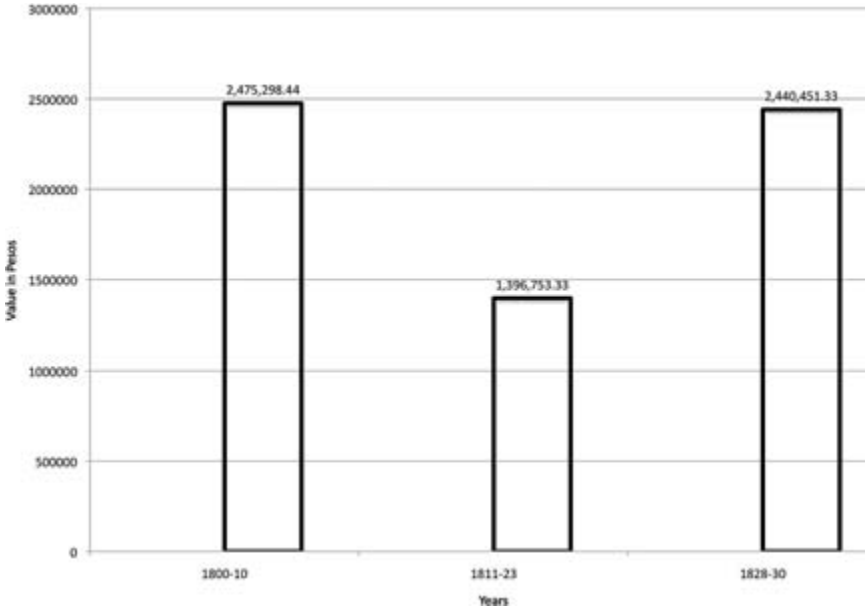


Figure 1.2. Annual export value averages, Province of Caracas, 1800–1830.
Source: Data from Tomás Enrique Carrillo Batalla. *Proyecto cuentas nacionales de Venezuela, 1800–1830: soportes estadísticas, Tomo II*. Caracas: Banco Central de Venezuela, 1999, 67.

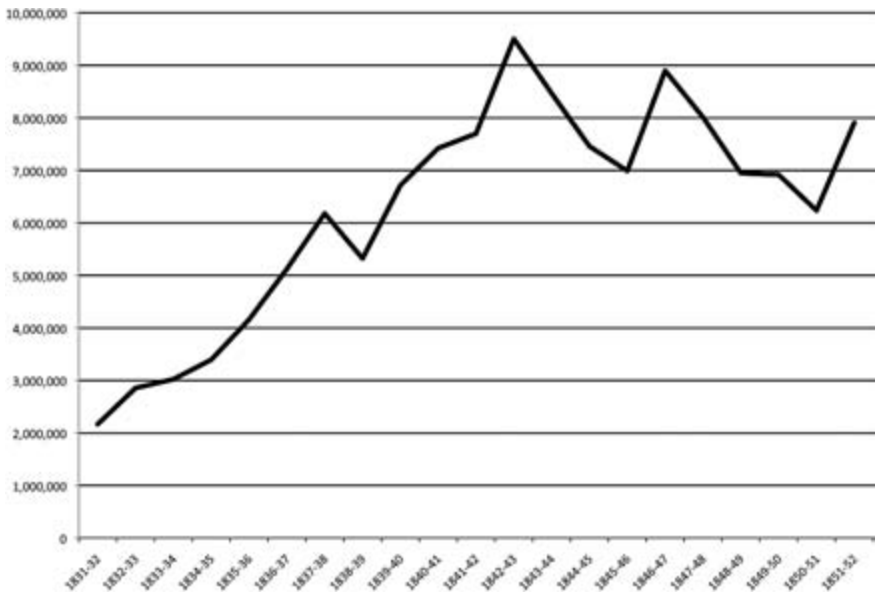


Figure 1.3. Export values, Venezuela, 1831–1852 (pesos/year).
Source: Data from Tomás Enrique Carrillo Batalla. *Proyecto cuentas nacionales de Venezuela, 1831–1873*. Caracas: Banco Central de Venezuela, 2001, 307.

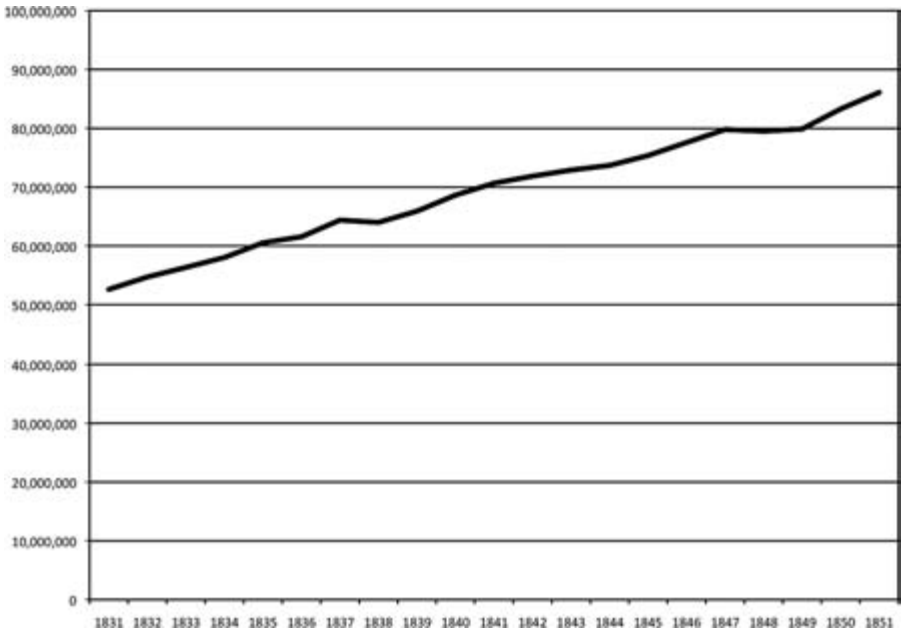


Figure 1.4. Gross domestic product, Venezuela, 1835–1851 (pesos/year).
Source: Data from Tomás Enrique Carrillo Batalla. *Proyecto cuentas nacionales de Venezuela, 1831–1873*. Caracas: Banco Central de Venezuela, 2001, 365.

meet minimum property requirements; to serve as an elector, the property requirements were higher.[140] Suffrage laws also mentioned literacy requirements, but enforcement was intentionally delayed and the 1858 Constitution eliminated this requirement; in the 1840s the great majority of enfranchised citizens were illiterate.[141] Though the United States had the highest levels of voter participation in the Atlantic World, "Venezuela (in the 1830s–1840s) enjoyed one of the most democratic systems in the world at that time."[142]

ATTENUATED REGIONALISM

Regional antagonisms remained a potent force after independence, but they never became as belligerent as in other republics (e.g., Mexico, Colombia, Peru, and Argentina). The 1830 Constitution assisted in this stability, because its drafters sought to avoid the mistakes of the 1811 Constitution (too federalist) and the 1821 Constitution (too centralist), and to create a centro-federal system. The 1830 Constitution, therefore, maintained a central, unified government; and the central executive and judicial branches had officials in the provinces in the form of the governor,

Figure 1.5. Suffrage rates

Year	*Location*	*Election Type*	*% of Adult Males with Franchise*	*Voter Participation*
1838*	Caracas	Municipal	25%	24%
1844**	Coro	Provincial	38%	54%
1846	Coro	National	44%	74%
1846†	National	National	49%	47%

*Robert Ker Porter, *Sir Robert Ker Porter's Caracas Diary, 1825–1842: A British Diplomat in a Newborn Nation*, edited by Walter Dupouy (Caracas, Venezuela: Editorial Arte, 1966), August 11, 1838. Also Fundación Polar, Diccionario de historia de Venezuela, CD-ROM (Caracas, Venezuela: Fundación Polar, 2000), "Elecciones."
**Numbers for Coro's population, franchise, and participation come from Elina Lovera Reyes, *De leales monárquicos a ciudadanos republicanos: Coro 1810–1858* (Caracas, Venezuela: Academia Nacional de la Historia, 2007), 153. The percentage of adults with the franchise comes from the estimation that males above 18 years old comprised 23 percent of the total population, which was the case in 1891. See Miguel Izard, *Series estadísticas para la historia de Venezuela* (Mérida, Venezuela: Universidad de Los Andes, 1970), 30.
†Fundación Polar, Diccionario, "Elecciones."

military personnel, the *jefe políticos*, and the *jueces de paz*. At the same time, each province sent delegates to the national legislature, had municipal and canton magistrates that oversaw provincial autonomy, and had an elected assembly that participated in the naming of governors and members of the provincial Superior Courts.[143] This Constitution lasted twenty-seven years, which proved to be the country's second most durable fundamental law (the 1961 Constitution lasted thirty-eight years).

Provincial elites resisted control from Caracas as they sought to preserve their status and regional autonomy, but they proved not to be stalwart enemies of the capital. They did not strongly oppose the Caracas regime because it did not directly challenge their status, they were too divided to muster a forceful opposition, and the 1830 Constitution allowed sufficient federalism to drain off much regional hostility. Also significant, the central government's economic policies of free trade, open immigration, and freedom of religion (which attracted foreign merchants) suited the interests of both the traditional and the new elites.

If we return to the examples of Maracaibo and Coro, we see elite groups and networks that remained largely intact after the war. In Maracaibo, where there had been no fighting, the elite families from the colonial period continued to dominate provincial politics and economics. Social mo-

bility increased after independence, but the elites did not consider their position under attack and therefore could accept the new regime. Maracaibo increasingly became the economic axis of western Venezuela as it integrated further into the expanding Atlantic market. Hundreds of European and North American merchants that came to Maracaibo and nearby ports found a region with a long commercial tradition, distant from the convulsions of the central area around Caracas. The "notable" *marabino* families benefited from expanding trade and grew wealthier through conjugal and commercial ties with foreign merchants. Though at first socially conservative, they also cultivated liberal ideals. In 1826, they formed a Masonic lodge, which formally promoted such ideas as liberty, fraternity, and equality, and in 1833 they formed a chapter of the *Sociedad Económica de Amigos del País*.[144] Resistance to Caracas's hegemony persisted, as seen in an 1833 anonymous lampoon that read: "The scepter of Spain broke, the dominion of Bolivar was destroyed, and that of the *caraqueño* Bourbons is about to begin."[145] The elites, however, were not united. Páez ensured that local loyalists held key positions in the region, which blocked his detractors from holding the highest posts and prevented the formation of a united opposition to the capital. By and large the *marabino* elite respected the constitutional order and became one of the most loyal allies of the central government.[146]

In contrast, Coro had been the scene of brutal fighting, and the provincial elites underwent far more changes than in Maracaibo. Through the 1820s–1830s, the traditional elite families remained the largest landowners, controlled local politics, and dominated the province's participation in national politics. They faced competition, however, from emergent elites, composed of republican military officers that had confiscated land from royalists. By the 1840s, they superseded the traditional elites to become the province's most powerful political group. Additionally, foreign merchants (principally Jews from Curazao) migrated to the area and became economically powerful.[147] Though competitive with each other, all these elite groups benefited from liberal economic policies.

The Caracas government, therefore, successfully served the interests of provincial elites and co-opted some of its members so that any provincial opposition was too fragmented to foment a serious rebellion. Political parties formed throughout the country in the 1830s–1840s, but the provincial parties allied with one or the other of the Caracas parties so that provincial politics remained subordinate to politics in the capital. For the first three decades of independence (starting in 1821), the government of Venezuela faced more problems from the military and the rural poor than from the

social elites. This situation fell apart in the late 1840s, as elite antagonism eventually led to armed rebellion.

Conclusion

A government led by civilians and guided by liberalism came to dominate the Venezuelan state. This system successfully manumitted the slave population, revived the export economy, and constructed an electoral system with a comparatively wide franchise and high participation. The prevalence of this ideology developed due to a number of factors, including the allure of liberal economics among virtually the entire colonial elite class, most of which clustered along the coast and pursued status through agricultural and commercial enterprises. Before the independence movement began, the elites desired freer trade and had, through their trade contacts, gained access to the revolutionary ideas from the North Atlantic. When the Spanish monarchy entered its crisis in 1808, liberal radicals gained control of Caracas and eventually imposed their vision on their royalist opponents. Even conservative royalist elites, however, sought a constitutional framework and free trade. The *castas* changed sides numerous times during the fighting—as they were attracted to the opportunity for spoils, freedom, and equality—and eventually most cast their lot with the independence movement. The victorious republicans faced enormous physical, economic, and cultural challenges to their aspiration to create a liberal republic, but they successfully consolidated a movement that had sufficient force and ideological appeal to coerce, co-opt, or convince the majority of the powerful players.

The first decades of independence, therefore, did not witness the numerous civil wars, regional wars, and coups d'état that marked some other American republics. This is not to say that the sovereignty and legitimacy of the state went unchallenged. As Pino Iturrieta explains, Venezuelans were accustomed to taking orders from high authorities such as the king, Bolívar, and local *caudillos*. The republican government did not command enough respect to gain unquestioned obedience.[148] In 1826, when a secessionist movement arose in several of Venezuela's provinces due to discontent with the Gran Colombian government, General José Tadeo Monagas wrote to General Páez and pointed out, "Our institutions are modern . . . they have not earned the sanction of time, much less enjoyed its advantages." Monagas believed they should challenge the politicians in Bogotá because they acted like "little girls who are inexperienced in the

business of State."[149] Still, this movement, and the successful secessionist movement of 1830, occurred peacefully and kept the main power structures in place.

By 1830, an alliance of General Páez and liberal ideologues created a fairly stable coalition that wedded military, agricultural, and commercial interests. A rebellion in the east in 1831 gained little traction. A conservative military rebellion in 1835 (*La Revolución de las Reformas*) successfully captured the capital and the president; but within a few months, civilian militias led by Páez regained the capital, reinstated the legitimate government, and fully defeated the rebels. The sovereignty of the republican state was precarious but resilient.

The political transition during this period embraced a liberal discourse of equality and freedom and simultaneously maintained patriarchal hierarchies and norms. Therefore, colonial social structures that ensured the subordination of women, nonwhites, and the poor remained in place. The law granted *padres de familia* both the rights of private citizens and the power of state officials, as they enjoyed the authority to maintain social order. Their dependents did not have the right to vote, lacked the resources to hold public office, and were obliged to follow the instruction and rules dictated by the patriarch. Through the radical legal changes that enacted equality, abolished aristocracy, and formulated electoral politics, the state upheld this bedrock of colonial society. The *padres de familia*, therefore, sat atop a complex political experiment that promoted both liberalism and patriarchy, such that they could enjoy the benefits of equality and deny those benefits to others.

These contradictions created a convoluted system that was difficult to maintain long term, and in the 1840s discontent among the elites and rural poor resulted in violent instability. By the late 1830s, fissures in the liberal elite consensus led to the formation of Liberal and Conservative parties, though in fact both parties were liberal. In the mid-1840s, the rural poor began to play an increasingly important role in politics. Though Páez was a *llanero*, his alliance with wealthy liberals offered few economic benefits to the poor. The poor rebelled and drove the rivalry between the two parties to violence. In 1848, Páez led a failed rebellion against the elected government, which marked the end of the liberal, institutional regime in place since 1821. The rest of this book will cover many of these issues in greater detail. The next chapter explores how civilians gained control over the military and the Church, and the ways in which administrative models departed from colonial standards and developed more modern, liberal characteristics.

CHAPTER TWO

Bureaucrats Ascendant

Building a Regime of Law

On July 8, 1835, Comandante Pedro Carujo faced his prisoner, the president of the republic, and held out a pistol. Carujo and several other officers had recently rebelled against the elected president, Dr. José María Vargas, and now held him captive in his house. These officers viewed the Vargas presidency as appalling. He was a civilian intellectual who had never fought in the war for independence, and his recent election culminated an intolerable trend in which civilian commercial power increasingly dominated over war veterans, whose power came from their military prestige and haciendas. Holding the pistol in front of his hostage, Carujo explained the situation: "governments are made by force" (*los Gobiernos son de hecho*). Vargas rejected this premise: "The Government of Venezuela is not made by force. The nation has constituted it legitimately, and established its Government . . . through the will of all, legitimately expressed. The Government of Venezuela is a legitimate, national Government, in fact and by right." Carujo attempted to shrug off the president's idealistic conjecture: "Rights, Sr. Doctor, come from force." The president, however, dismissed this as well: "What you say has no authority other than your word; what I obey is written; it is the fundamental law of Venezuelan society, given by its legitimate representatives." Carujo tried again: "The world is made by the valiant man." To which Vargas retorted, "The world belongs to the just man; it is the good man, not the valiant one."[1]

Remarkably, President Vargas proved to be correct. Within weeks, civilian militias had beaten back this military uprising and restored Vargas as president, and over the ensuing decade, elected civilian governments

enjoyed mastery of the political landscape. Tomás Lander, who published this spontaneous debate between Vargas and Carujo in a short history of the rebellion, prefaced the narrative with these words: "I do not think it possible to add further adornment to the civil glory that has been achieved on this solemn occasion by so many leaders, military men, towns and citizens . . . in defense of the civil power."[2] In the wake of this victory, the civilian-led government then continued on its course to establish a liberal administration, to control the military, and to dominate the Church.

This chapter explores three interconnected stories that illuminate the dominance of liberal paradigms in postindependence state administration. The chapter first illustrates a series of changes in the government's administrative culture, attempted across the middle period, to foster centralized, rational bureaucracy guided by legislation. The ascent of secular legislation within administrative circles indicated more than just the adoption of new bureaucratic lingo; it also suggested the adoption of new standards of just, legitimate behavior on the part of government officials. The chapter then explores how the independent civilian government came to dominate its two greatest institutional rivals: the military and the Church. None of these changes marked a radical break from the vision of the Bourbon Reforms, which also sought the dominance of the king's legislation over the military, the Church, and other norms of justice. The independent government continued the Bourbon vision of a centralized, rationalized state, but the new regime accelerated these trends and adopted them to republican models of a secular state run by propertied male citizens.

Following the Rules—Codes for Bureaucrats

From the mid-eighteenth century through the mid-nineteenth century, the Bourbon colonial government and then the independent republican government attempted to establish a more regularized, centralized administration than had previously been in place.[3] In so doing, both states sought to establish legislation from the central government as the preeminent factor for determining the codes of justice. This objective called for myriad changes in state institutions, official behavior, state–subject relations, and the standards of what would be considered legitimate behavior. This section illuminates one facet of this ambitious project—changes in the criteria for determining whether an official behaved in a legitimate manner.

Court documents[4] and correspondence within the Ministry of the Interior and Justice show that from the 1790s through the 1840s, a significant

change took place in the standards used within state institutions to determine the legitimacy of official behavior. At the beginning of this period, complainants used numerous norms to address matters of misconduct. By 1840, however, legislation had become the preeminent norm for addressing misdeeds within these state institutions. This portion of the investigation does not study laws themselves, nor does it seek to examine actual criminal behavior, but rather tracks changes in the architecture of complaints presented to state institutions against state officials. In so doing, it adds to the study of administrative practice by considering the paradigms of administrative and judicial discourse, which thus far have received little scholarly attention.

The magnitude of this change should not be underestimated as the ascent of legislative norms required significant modifications to the character of law, justice, and state responsibilities from what they had been under the old regime. The Bourbon Reforms of the late eighteenth century sought to regularize administrative and judicial practices and make them conform to royal legislation. Such efforts, however, had inconsistent success at best. The colonial government continued to gain its legitimacy through compliance with an array of norms such as religion, reverence for the monarchy, written law, tradition, and local custom. These norms were not arranged in any particular hierarchy, so that governmental legislation was not afforded any greater importance than, say, local customs or religious law.[5] Good, legitimate government upheld tradition and sought to establish a "regime of justice" that maintained these norms in a harmonious balance.

After independence, republican leaders promoted ambitious changes using the language of republican and liberal revolution, though many of their "revolutionary" goals had obvious antecedents in the Bourbon Reforms; that is, the efforts to establish a more centralized state, a regulated administration, state dominance over the Church, and to reshape the masses to be more orderly and economically productive. Of particular interest here, the republic continued the effort to establish legislation as the dominant norm, so that laws created by Congress would always be afforded greater respect and importance than customs or religious practice. In effect, the country's leaders hoped to transform the colonial "regime of justice" into a republican "regime of law." This section looks at one component in the development of modern bureaucracy and statecraft: the formation of a regime of law, under which bureaucrats would follow clear guidelines and civilians would relate to the state through written legislative norms.

Colonial Administration

Late Bourbon rule sought to gain increased control over political and fiscal matters through promoting a more professional bureaucracy and tighter adherence to specific regulations. Like other Bourbon Reforms, these efforts enjoyed mixed results throughout the colonies. For instance, the administrative bureaucracy in late colonial Mexico City became quite professionalized, with advancement based on merit, an adherence to written rules, and a drop in corrupt practices.[6] Such successes, however, could hardly be called pervasive, as administration in other locations such as Buenos Aires still relied heavily on favoritism, nepotism, and cronyism.[7]

Late colonial administration was a mixture of traditional methods and the new, centralizing techniques promoted by the Bourbons. In continental Europe and the Hispanic world, which follow the civil law tradition,[8] the foundation of early modern administration and justice was *ius commune*. *Ius commune* was a composite of numerous legal traditions including ancient Roman law, under which one achieved justice through complying with several norms, specifically natural law, the king's law, canon law, widespread traditions, and local customs. These norms, however, did not exist in any particular hierarchy, so that a royal decree did not necessarily carry greater weight than, say, a Church law or a tradition. Over the span of the eighteenth century, the Spanish Bourbons successfully elevated royal legislation to dominate over competing legal traditions in Spain. In the New World, however, the king's law never achieved that same level of dominance, due largely to the Americas' size and distance from the metropolis, and the fact that metropolitan officials attempted to force the changes rather than gain the voluntary cooperation of the locals.[9]

Colonial administrators and judges continued to work under the legal framework of *ius commune* and applied royal legislation only with consideration to other legal principles.[10] The fundamental job of officials was not to follow specific rules and regulations, but rather to uphold justice, which was understood as giving each person his or her due.[11] Penal codes assisted in this process, as they reflected social conventions based on respect and honor, so that legal punishments varied according to the status of the culprit and thereby upheld customary hierarchies based on estate, gender, race, religion, and occupation.[12] Officials enjoyed considerable flexibility in performing their duties, and the government gained legitimacy far more from preserving social harmony, justice, and the status quo than from strictly complying with legislation.[13] For instance, if one of the

king's laws conflicted with a religious law or a city's customs, a balance would have to be found. Charges against colonial officials for misconduct, therefore, thoroughly blended matters of property, physical injury, honor, loyalty, respecting authority, and civility.

By the end of the colonial period, government offices still often functioned as something akin to private property in that they could be bought and sold, used by the holder as a source of revenue for his family, and even be inherited.[14] Within Venezuela specifically, rural officials were entitled to keep a portion of any contraband they seized in order to supplement their modest salaries.[15] For these reasons, charges of abuse of power typically stemmed not from the use of the office for personal gain, but from the use of the office to the detriment of others and social harmony. For example, a judge might be accused of misconduct for pressing charges against a network of merchants if the charges would benefit another network of merchants.[16] Alternatively, a colonial judge might be accused of corruption not for stealing funds but for disrespecting local custom and tradition, or for permitting subalterns too much dignity.

Bourbon officials who sought to create a more centralized, rational, and disciplined state and society frequently had to compromise with local conditions and traditions. Colonial creoles never internalized modern administrative techniques promoted by metropolitan bureaucrats, in part because such reforms reduced the power of local elites and also made the government less responsive. Rather, colonists pursued less formal methods of administration, which some today would call corrupt, because they allowed for greater flexibility and greater access to bureaucratic elites.[17] In Caracas, *padres de familia* were supposed "to demonstrate complete authority." In the face of imperial efforts at centralization, *padres de familia* therefore upheld a long tradition of "not following the order of a superior in rank (e.g., a top-ranked Spaniard) or . . . challenging certain dispositions of the king."[18] The patriarchal authority of the king conflicted with the patriarchal authority of locals, and a centralizing monarch could not expect unquestioned obedience from men whose prime interest was to protect their local interests.

Additionally, the aforementioned premise, that a royal law could not necessarily supersede nonlegislative norms (i.e., customs), remained intact. As an example, in 1795 King Charles IV released new decrees surrounding *gracias al sacar*, which guided procedures that enabled people to change their legal status, such that colonial subjects could change their racial identity (discussed in chapter 1). As historian Santos Rodulfo Cortés

asserts, the principal reason behind updating *gracias al sacar* was that royal counselors sought to systematize all taxable activities and all revenue streams, without exception. The decree served to regularize and bureaucratize the process of dispensing honor and privilege, and thereby transformed a system previously based on monarchical command and tradition into a legislative code.[19]

However, *mantuanos* strenuously opposed *gracias al sacar* because they believed that it threatened their status as the guardians of social order. In 1796, the *ayuntamiento* of Caracas complained to King Charles IV that the new policy granted too much social mobility for nonwhites.[20] The *ayuntamiento* called for "the replacement of the Ministers that currently compose the Royal *Audiencia*, which is hated generally by the people, and especially the Judge don Francisco Ignacio Cortínez, whose ill will to the neighbors and natives of the country manifests itself frequently, particularly the people of distinction."[21]

In this letter, the *ayuntamiento* essentially accused the *Audiencia* judges of upholding the law. The councilmen charged that the *Audiencia* gave such leniency to nonwhites (*pardos*) that they "publicly scorn and deride the honorable members of the city, with such injustice and temerity as to declare themselves Whites." These were serious accusations that charged the judges with making unjust decisions, in that the judges did not grant the honorable people the respect they were due, and therefore threatened to destabilize the status quo. Amid lengthy charges of causing social instability, the *ayuntamiento* eventually also made a brief, somewhat vague accusation of inappropriate procedures, indicating that the judges dragged out cases, made unclear sentences, and divested local magistrates of their authority. Nonetheless, the most prominent charges that were repeated were those of a social nature, and there was no implication that the judges personally benefited from their misbehavior.

Accusations of a very different sort could still evoke similar language. In 1799, the *Capitán General* of Coro complained to the governor that the administrator in charge of mail was incompetent. The *Capitán General* asserted that the mail administrator was slow and cumbersome in delivering the mail, and he suggested that this inefficiency was a sign of disloyalty to the king. The military officer wrote that letters destined for the mail carrier's friends arrived in a timely manner, while "those in the service of the King and public tranquility are detained. With this motive, these subversives try to impede authority in order to promote their corrupt ends . . . [they] sow confusion and disorder."[22] The officer's objections to

inefficiency would make sense under any circumstance, but notably his complaint pushed well beyond concern for mere incompetence. Like the previous example from 1796, the officer linked bad administration with the destruction of political and social harmony.

Complaints of incompetence or subordination could be serious issues under any form of administration. Nonetheless, as these colonial cases show, the legitimacy of an official's actions could be determined through a combination of norms. In a sense, the *Capitán General* accused the mail carrier of being a bad *padre de familia*: the mail carrier did not use his power correctly, did not set a good example, and did not uphold social order. Legislation, social rules, morality, patriarchal authority, and political loyalty were all intertwined. An infraction against one norm could be an infraction against them all. If a man were too morally compromised to perform his professional duties efficiently or to enforce the racial hierarchy, he was not a decent member of society, a legitimate patriarch, or a loyal vassal to the king.

Promoting the Rule of Law Under the Republic

The French Revolution generated tremendous momentum toward the effort to rationalize the legal system. The French revolutionaries sought to establish a representative legislature that would produce a unified, rational, orderly corpus of laws to define justice and guide the actions of both the state and its citizenry. This effort became the model for all countries within the civil law tradition, and Napoleon's Civil Code of 1804 became "the Northern Star by which other Latin American civil codes oriented themselves."[23] Across the long nineteenth century, upholding consistent legal procedure became a key ingredient in strengthening the state in Europe's colonies and in the Latin American republics.[24] In some ways, this new legal direction represented a continuation of the efforts of absolutist kings of the eighteenth century, specifically in regard to the desire to establish the dominance of legislation produced by the central government. Further, these legal reforms in France and elsewhere also reinforced traditional patriarchal dominion; though some early French Revolutionary radicals advocated women's rights and equality, such radicalism had been stifled by the late 1790s and the Napoleonic Code reversed any push toward gender equality.[25] On the other hand, this revolutionary direction in legal thought advocated some dramatic changes from the old regime, such as the principles of popular sovereignty, equality, positivism, and legality.[26] The law, therefore, would

resemble scientific rationalism to the extent possible and would eschew feudal inequalities and inconsistencies.

Republican Venezuelan politicians enthusiastically encouraged the principle of legal and administrative rationalism and consistency. During the war years, patriotism had been described in highly militaristic terms, but by the 1830s–1840s the country's political and economic elite made frequent references to "enlightened patriotism." Rather than focusing on military courage and duty, enlightened patriotism combined love of the *patria* with dedication to the written laws and the constitutional pact as the means to create a new, independent state.[27] Simón Bolívar had already established this precedent during the war years when, in 1819, he asserted, "everybody should submit themselves to the laws' beneficent rigor. . . . Love of the patria, love of the laws, love for the authorities, these are the noble, exclusive passions that should fill the soul of a republican."[28] In this same spirit, in his 1842 address to Congress, President José Antonio Páez optimistically tied Venezuelan patriotism to the law: "through the wisdom of her laws, through the enlightened patriotism of her citizens, . . . Venezuela has begun to realize her destiny."[29]

Press editorialists also promoted this sentiment, as they saturated their newspapers with exhortations to pursue strict fidelity to the written law. Editorials of the time asserted, "only laws can perfect the grand work of liberty, because they are the font and origin of all happiness, and because in a popular representative government everything should come from the laws, nothing from the particular whim of those who rule."[30] In this spirit, editors might use pseudonyms such as "The lover of the law" to publish stories about administrators who abused their authority, explaining that they brought these matters to light in order to end illegal practices.[31]

Both official and nonofficial voices, then, promoted the standard that the independent, liberal state would now act only on the basis of legislation rather than enforcing other norms. The process of writing a new corpus of laws took several decades and occurred piecemeal until legislators created an entirely new civil code in 1873. Until that time, Spanish codes remained in force as long as they did not contradict more recent legislation.[32] Complying with the law, therefore, was complicated by the simultaneous existence of multiple legal traditions, both colonial and liberal. Nonetheless, theoretically the government could not rule arbitrarily, and the citizenry could not simply uphold customary practices. Instead, legislation would define the rights and duties of all Venezuelans with precision, and the Constitution would represent the highest law of the land.

Political leaders hoped to establish an apparatus of disinterested government officials functioning within a transparent system. The Constitution required that public functionaries swear to obey the republic's legislation, that government expenditures strictly follow legal and congressional mandates, and that all expenses be published for public review.[33] All Venezuelans should now enjoy equal protection under the law such that race and estate would no longer define a citizen's legal or political standing.[34] Further, rather than uphold unwritten codes, the state would punish a person only if he broke a written law that had existed before he committed the crime.[35] The expected role of officials therefore changed with independence, as they no longer were to uphold unwritten codes and values at the expense of legislation, but instead were to ensure the enactment of the written law. This is not to say that officials became unconcerned with social harmony; as in all societies, Venezuelan legislation reinforced social values. Legislation continued to grant *padres de familia* authority over their subordinates so that, under certain circumstance, upholding law and maintaining social harmony (defined in patriarchal terms) were the same thing. Nonetheless, as we shall see, republican official documentation granted far more attention to the written law rather than the unwritten codes that undergirded social order.

Republican Administration

GOVERNMENT CORRESPONDENCE

The Ministry of Interior and Justice oversaw virtually all aspects of governance not covered by the two other main ministries, War and Navy, and the Treasury.[36] The majority of government correspondence, from both before and after independence, concerned basic administrative matters and was related in a rather bland, bureaucratic manner. Postindependence complaints about and by government officials, however, underwent substantive changes in that they came to reflect legislative standards for judging proper conduct.

Whereas complaints against colonial officials often concerned matters of decency and social stability, a letter from 1830 complaining of judicial misconduct presented a very different list of charges. This correspondence, written by several landowners from the town of Gibraltar (Maracaibo Province) to the Venezuelan Congress, listed the following charges against their district magistrates: "killings, falsification of reports, usurpation of public rents, production of fines to benefit these judges and other frauds, abuses and outrages against honorable *vecinos*, scandalous thievery,

raids on houses, gauging; and finally, disobedience and insult to the firm civil authority of this Department."[37] As a remedy, they requested that Congress send an "incorruptible and impartial man" to investigate the situation. Unfortunately, the *expediente* ends just as the Ministry of Interior began its investigation, so we do not know how the matter resolved.

Nonetheless, the charges themselves indicate a notable shift. These charges against the judges overwhelmingly concerned property rights and indicated that the perceptions of what constituted abuse of official power had changed from maintaining a social balance to obeying far more precise procedures and rules. Whereas the 1796 complaint against the *Audiencia* had accused judges of upholding legislation to the detriment of social order, the 1830 complaint accused judges of violating legislation. Charges of illegal fines and court orders, misuse of public funds, and abuse of private property all suggested that the officials were to adhere to specific rules and clear guidelines.

At the same time, amid these numerous "legislative accusations," the 1830 charges also included a concern for social propriety and for honor. The judges not only insulted citizens but also offended "honorable *vecinos*." The seriousness of this offense became graver with a description of the other locals: "the sad neighborhood, composed of poor mulattos [*morenos*] . . . ensure their own ruin and contribute to the continuation of these disorders because [they remain] in silence and terrible fortune due to their timidity." Like the *ayuntamiento*'s charges from 1796, the landowners point to a social hierarchy and suggest that an affront to their honor threatens the wider society. As they describe, most of the locals were nonwhites who lacked the courage to stand up to the judges. The landowners postured themselves as community leaders who would protect their subordinates, and insults and affronts to their honor compromised their ability to protect society.

Significantly, this blending of social and property concerns came from a complaint written by civilians to the government. Internal government correspondence, on the other hand, had by 1830 already become far more legislative, exhibited far less concern for social structure, and voiced virtually no imputation of socio-moral infractions. (I use two terms throughout: *socio-moral* infractions or accusations, which follow the old regime model of focusing simultaneously on numerous norms [tradition, religion, legislation], and *legislative* accusations, which focus overwhelmingly on legislation.)

For example, a series of interdepartmental correspondence from 1830 about a colonel who was causing disturbances in the countryside, and the local *corregidor* who had failed to arrest him, demonstrated a surprisingly

bureaucratic blandness and focus on proper procedure. During the independence war, Colonel Juan Estanislao Castañeda had fought on the side of the republicans. He retired in 1830, but shortly thereafter began insurrectionary activities.[38] On November 13, 1830, the government sent out a memo ordering his arrest. On November 21, a local official named Hernández wrote to the provincial military commander to explain that authorities had failed to bring in Colonel Castañeda, and he continued his "revolutionary," "fratricidal" goals that "threaten our sacred cause [the republic] with sedition." On December 1, the local military commander wrote to the provincial governor (Carabobo Province), requesting permission to fire the *corregidor* of Barquisimeto who had failed in his duty. The general explained that he needed a *corregidor* who was "energetic, trustworthy, and knowledgeable," but the current *corregidor* was old and sickly. The general also referred to Articles 117 and 127 of the Constitution, which authorized the governor to fire public employees. The governor then wrote to the secretary of the interior with an explanation of the situation and a request to fire the *corregidor*, in light of the aforementioned constitutional articles.[39]

These letters presented a simple, straightforward account of the offenses in question. Colonel Castañeda should be arrested because he espoused insurrection. The *corregidor* should be fired because he failed to fulfill his duty and comply with orders. Notably absent in the correspondence was any mention of the *corregidor*'s disloyalty, his character flaws, or his impulse for social discord. Rather, the correspondence stressed that the colonel and the *corregidor* had broken the law and the administrative chain of command, and should be dealt with as the law required.

In another example, in 1834, José Nicolás Fermín, a customs agent of Margarita Island (Cumaná Province), brought a suit against the provincial governor for abuse of power. Fermín had requested leave to attend some business on the mainland. The governor of Margarita refused the request and ordered Fermín to remain at his post. Fermín disobeyed the order and went to the mainland for several days. Upon his return to the island, the governor had Fermín jailed for three days. Fermín filed a complaint, listing five articles of the Constitution and two articles of the *ley orgánica de las provincias* that the governor had violated, and requested that the governor be removed from office. The Ministry of the Interior sought the opinion of the *Consejo* of the Superior Court, which found that Fermín's complaint had no merit. The *Consejo* went through Fermín's complaint part by part and explained that the governor had not violated any of the statutes that the customs agent had listed. The Superior Court found that, according to the *ley orgánica* of the Treasury, employees could not "abandon their posts"

without permission from the governor or "without orders from the chief of state." An employee from the Ministry of the Interior agreed with the decision by the Superior Court and listed the statutes that prevented an employee from leaving his post without permission from his superiors.

Fermín resubmitted his complaint, and in early 1835 the Ministry reviewed the case again. This second review came to the same conclusion: "we cannot call for the suspension of the Governor because the suit does not have any merit." The three days that Fermín spent in jail "was in compliance with article 33 of the political regime for having disobeyed the express orders of the Government not to leave the province. Consequently, there is nothing to be done."[40] All correspondence to and within the Ministry discussed the case in a strictly impersonal manner. The Superior Court and the Ministry officials confined their comments to the statutes and constitutional articles that had been violated or not violated. Support for the governor's actions stemmed solely from legal procedure.

Striking a similar tone, in 1834 the governor of Maracaibo Province informed the Ministry that he had nullified the elections of three judges because of electoral fraud. Three of the candidates in the town of Perijá were ex-convicts, but the town mayor had archived (hidden) their criminal records "without legal cause." The exchange between the Ministry and the governor concerned nothing other than the improper actions of the mayor and the justification to "nullify" the elections.[41]

One problem facing Venezuela's government, indeed facing all bureaucracies, stemmed from officials not fulfilling their duties. In July 1828, the medical faculty (*facultativos en medicina o cirugía*) of Caracas published a notice in the government gazette in which they promised to stop helping officials to be delinquent in their duties. Civil servants were avoiding their responsibilities by getting a doctor's note that attested to some false malady. Therefore, the medical faculty passed a resolution that "prohibited doctors from providing [health] certificates, except due to a judicial order and from a competent authority." In 1834, however, the *jefe político* of Caracas complained to the Ministry of the Interior that this "ruinous practice" was still going on and that it would not stop "unless the Supreme Executive Power decreed a resolution capable of punishing this abuse." The Ministry communicated to the doctors and requested a response. The doctors answered promptly that they would stop this "abuse . . . as is appropriate according to the liberal principles of the day."[42]

In 1849, the same problem arose in Ciudad Bolívar (Guayana Province), as the provincial government complained that civil servants used doctors' notes of false ailments in order to shirk their responsibilities. Doctors would provide whatever sort of note best served the delinquent

official: "they claim that sitting is impossible if the job is sedentary, that moving is impossible if discharging his duties requires bodily exercise, etc." The memo mentioned four men who had been appointed as neighborhood alcaldes but refused to take their posts because of health reasons, yet they "continued in their private activities with the same constancy as those who enjoy perfect health." In both the 1834 and 1849 memos, the authors described this behavior as an abuse of public duty or "a practice that is very prejudicial to matters of public interest."[43] The complaint, therefore, remained concerned with the violation of official rules and responsibilities, but did not concern larger social or moral codes.

The record of correspondence to and from the Ministry of the Interior and Justice indicates that this legislative perspective had permeated the government. *Expedientes* coming from numerous provinces and from various government offices (provincial, local, military, judicial, and treasury) conformed to this legislative focus. This attention to legislation remained consistent on all topics: complaints by a department governor against a magistrate, or from a mayor suspending a judge, or about military men robbing villagers or other military men, or even an accusation against a provincial governor for encroaching on his neighbors' lands.[44]

THE COURTS

In court cases from the first years after independence, litigants lodged legal complaints using a language of socio-moral failings that differed little from colonial court cases. As an example, in 1826 a Caracas butcher, Felipe Hernández, yelled obscenities at an alderman (*regidor*), after the official fined him for selling underweight meat. During the heated exchange, the butcher threatened that he would make the alderman eat a large bull's penis (*un Gran bergajo*). The matter went before the local alcalde, charging Hernández "for the insults against the interim *regidor* Sr. Dionicio Flores, and in his person against all of the Very Illustrious Municipality." In the end, the alcalde fined Hernández ten pesos and court costs for "contradicting the functions of the Sr. alderman . . . and speaking in terms that were indecorous and inappropriate between civilized people."[45] As in the colonial courts, the judicial system at this time could view a civilian's indecorous behavior toward a public official as a punishable infraction against the entirety of government and society. Social codes and legislation remained interwoven, such that it could be difficult to determine whether the most serious part of a legal accusation were poor behavior (e.g., impoliteness and disrespect), disloyalty to the state and the official ideology, or violating written law.

Alternatively, another case, also from 1826, followed a more legislative model. José Antonio Bolet from the city of Guarenas (Caracas Province) requested that the judicial system recuse two alcaldes from his case. He was the guardian of an orphan girl, and these two alcaldes owed her money. Bolet wrote to local judicial authorities and explained that when he went to the alcaldes to collect for the girl, they "disregarded legal recourse and instead they responded with violent and offensive expletives against my reputation, going to the extreme to arrest me simply because I respectfully refused to listen to [them]." After explaining these basic circumstances, Bolet continued, "Article 135 of the law of procedures stipulates that an accusation against one municipal alcalde . . . be presented before the other municipal alcalde of the same canton; but in the present case we find both alcaldes disqualified for the same reason . . . so the law does not provide a contingency in this case nor does it designate the judge to which I should go."[46] He then went on to discuss some other articles of the law, concluding that he needed a new magistrate to adjudicate the matter. The court officer agreed that the two alcaldes should be recused and transferred the case to an alderman. The paperwork of this case marks a notable shift from its colonial counterparts in that the litigant (Bolet) suffered a verbal and physical assault, but confined his complaints simply to legislative concerns. He did not discuss damage to his honor, civilization, or the government. He pithily explained the event that demonstrated why he could not rely on either alcalde for legal help, and then offered an argument based in legislation for why he needed them recused from the case. The court official, in turn, responded with commensurate attention to the situation's legislative requirements.

Within a relatively short time after independence, nonlegislative issues appeared less frequently in documented complaints and had virtually disappeared from court cases by the 1830s. Accusations of misconduct took on a far more "legislative" tone—being more grounded in legislation—and became more morally neutral. At the same time, the Constitution established the premise that the state could prosecute people only when they had violated legislation.[47] With this new standard in place, a more modern sense of state jurisdiction began to take root, in which there was a clearer divide between breaking written laws and breaking unwritten laws (social or religious norms). Under such a system, breaking legislation should remain a matter of public concern, whereas breaking social or religious law should become matters of private concern, outside the state's interests.

This legislative quality to accusations can be seen again in a case from 1832, in which the *juez de paz* of Agua Larga[48] threw José Bernardo

Gómez in jail for five days for disturbing the peace. When released, Bernardo brought charges against the *juez* for excessive punishment. Bernardo admitted that he had argued with a woman in public, but protested that "a lack of public decency or a minor excess" should provoke "the punishment indicated in article 154 of the organic Judicial Law."[49] He complained, "the justice of the peace, for a civil matter, exceeded the length of arrest that was authorized and omitted parts of the trial including my answering the charges and my review of the documents and examination of the witnesses." His argument at one point became more heated when he added, "we should not be astonished at the true brutishness [*bruta*] of said justice of the peace who lost the path of the law and reason, but we should be astonished at the Hispanic disposition to expel me from my domicile with loathing for the guarantee of article 190 of the constitution." This one personal jab at the official, and the one comparison to Hispanic tyranny, stood out in a complaint that otherwise focused on legal infractions and Bernardo's demand for satisfaction for the "costs, damages, and losses" he had suffered.

Court cases became even more legislative in succeeding years, and by the 1840s they had acquired a decidedly legalistic, morally neutral tone. Two examples from 1850 show the strength of this trend. In 1850, Felipe Marcano charged a *juez de paz* in Charallave (Caracas Province) with abuse of power for throwing him in jail without charge or trial. Marcano's attorney listed several articles of the Constitution that had been violated (Articles 199–207) and showed that, even aside from the procedural irregularities, the punishment had been excessive.[50] Regrettably, the existing documents do not contain the *juez*'s defense, so it remains unclear how he justified his arrest of Marcano. The complaint against the *juez*, however, remained notably concentrated on matters of laws and rights.

The moral character, civility, and loyalty of the *juez* did not enter the argument. According to Marcano's testimony, the greater implication for the *juez*'s abuses was a threat to the Constitution. However, the Constitution represented the legislative safeguard of society, but it did not represent society and civility themselves. Official misconduct threatened legislative order but did not threaten all of society or all good government.

A minor exception to this trend can be found in another 1850 case in which a judge abused his power. Francisco Castillovestia, from Ocumare del Tuy (Caracas Province), wrote to the Superior Court requesting protection from the town's parochial judge. Castillovestia claimed that the judge had falsely accused him of participating in public disturbances during the last election and intended to imprison him. He asserted that he

was innocent of the charges and that the judge belonged to a faction that sought to hurt him and had already cost him his job. The Superior Court launched an investigation into the charges against Castillovestia. The investigation discovered no legal proceedings against him, except some paperwork from another town, San Sebastián, in which a resident wanted Castillovestia to vacate his house. The Superior Court, therefore, found that there was insufficient evidence to substantiate Castillovestia's incarceration and moved the case from the parochial judge to an inferior judge.

The *expediente* departed from a legislative focus in only one instance. In one of Castillovestia's letters to the Superior Court, he asserted that even his enemies knew that "I am not capable of such crimes because there are witnesses to my irreproachable conduct [*conducta intachable*]."[51] In this letter, among other arguments, the defendant sought to use his reputation for irreproachable conduct to sway a judicial decision and thus did not entirely confine his arguments to legislative concerns. Nonetheless, he discussed his reputation in only one sentence and did not present it as his main evidence, but rather paid more attention to the lack of proof against him and the conspiracy he faced. The Superior Court, in turn, made no reference to the question of character, but simply found that the parochial judge could not substantiate the case and therefore moved the case to another judge.

Other cases from these years demonstrated the same shift in legal arguments, away from moral failings and the potential destruction of decent society, toward a concern for infractions against legislation and the potential weakening of the Constitution.[52] This investigation reviewed thirty-three court cases that concerned complaints against government officials. Of the eleven colonial *expedientes*, nine included accusations of a highly socio-moral nature, whereas two presented a predominantly legislative character. Of ten *expedientes* from the 1820s, in six the litigants and/or court officers invoked socio-moral accusations, whereas four demonstrated an entirely legislative character. Of the twelve *expedientes* from 1830 to 1850, all remained overwhelmingly legislative. These later *expedientes* occasionally included a socio-moral comment from an outraged litigant, but otherwise litigants and court officers constructed their arguments and decisions without reference to socio-moral concerns.

The legislative focus of the republican cases did not transpire suddenly but rather occurred as a gradual trend over years, with areas of overlap. For instance, it would be misleading to suggest that the legislative tone of the 1840s cases was unique. Cases from the colonial period or from the 1820s could also simply discuss legal arrangements. For instance, if the parties of a court case amicably sought to refinance a debt or to partition some land,

such cases could lack any rancorous quality. On occasion, some pre-1830s cases that involved a more heated contest—such as insulting a judge—could rely less on charges of socio-moral defect and more on charges of breaking the law.[53] It also would be misleading to say the 1840s courtroom arguments were dispassionate. The righteous anger of a wounded party still resounds in those documents. The contending parties, however, expressed their outrage less about civility and loyalty and more about their legal, constitutional rights and the fact that their opponent had broken X and Y laws. In general, therefore, cases from the late eighteenth century through the 1820s used the language of socio-moral transgressions in cases that had a moral component or a strong dispute. Then, by the 1830s, use of such language dropped precipitously and, by the 1840s, virtually disappeared.

Civilian Bureaucratic Dominance over the Military

Though the military proved to be a very destabilizing force in Spanish America during the early republican period, it was not such a disruptive institution prior to independence.[54] By and large, the colonial army was a loyal arm of the king's power and, for *peninsular* and creole elites, the officer corps served as "an important channel of upward social mobility." Unlike during the postcolonial years, in the late colonial period active regular army officers did not hold administrative posts at either the provincial or local level. The captain generals and provincial governors had all previously served in *peninsular* military units, but while they held these administrative positions they were not active officers and were not involved in day-to-day military operations. Military loyalty to the Crown was probably weaker in Venezuela than in most other parts of the empire because being stationed there offered less opportunity for advancement than elsewhere, except for *peninsulares* with the best political connections. Nonetheless, before the outbreak of the independence wars, the military served the orders of the Crown and was not a location of seditious threats. When Spain entered its crisis in 1808, officers throughout the Captaincy General tended to follow the direction of the local *cabildos* or *juntas*; most officers in Caracas Province joined the independence movement, while those in Maracaibo remained royalist.[55]

The war propelled the military to new heights of power, and in the 1820s–1830s the Venezuelan military proved a potent counterforce to the civilian government, as was the case throughout Spanish America. Nonetheless, Venezuelan officers never dominated the state, and the

rising civilian government eventually eclipsed the military's power. The rise of civilian power over the military was not, however, smooth, neat, or an obvious conclusion. The numerous factions that jostled for control could boast membership that included prominent civilians, military personnel, and clergy, and they did not necessarily fit into neat ideological camps. Factions came together not only around ideology but also due to charismatic leadership, rivalries between leaders, and local–regional considerations.

Military Power Under Gran Colombia

The Gran Colombian state faced difficulties pacifying all of Greater Venezuela and asserting centralized control. After the battle of Carabobo in 1821, Bolívar led the majority of the army away to fight the Spanish in Quito and Peru. Greater Venezuela now came under the jurisdiction of the Bogotá government led by Vice President Francisco de Santander. Bolívar left two veterans of the war to administer the Department of Venezuela: General José Antonio Páez served as the *comandante militar*, and General Carlos Soublette as the *intendente*, or civilian leader. The postwar government had to improvise to maintain order and stability, and relied on the military in ways that violated republican paradigms. Without sufficient personnel to fill the state bureaucracy, the government looked for help from the military, which was the institution with the largest number of experienced staff. Far more than had been the case under the colonial regime, army officers maintained both military duties and civil positions, serving as governors, mayors, and judges.[56]

More worrisome was the growing discontent with the Bogotá government. By the mid-1820s, Santander had lost support from many Venezuelans including Páez, who viewed the vice president's efforts to control local militias and to pacify the countryside as heavy-handed and dictatorial. Liberal ideologues in Caracas criticized the central government in the press incessantly, demanding more regional autonomy, more freedom of speech, direct elections, more fiscal responsibility, and more support for agriculture.[57] As discontent with Santander rose, these liberal civilians and Páez had a common cause against their shared enemy.

Much of power politics followed the evolving relationships among civilian liberals and the two dominant military personalities, Bolívar and Páez. The two generals each fostered a constellation of allies that eventually became competing factions. Bolívar, the greatest hero of independence and the president of Gran Colombia, enjoyed a towering prestige at the dawn of Venezuelan independence. However, his influence dwindled

as he was absent from Venezuela after 1821 except for a brief visit in 1826–27. In Bolívar's absence, Páez was the most powerful military figure in Venezuela, commanding the greatest number of *llanero* troops. The two eventually became rivals, and as Bolívar became increasingly associated with the unpopular government in Bogotá, his star fell and that of Páez rose.

In the mid-1820s, Páez entered a mutually beneficial alliance with the civilian liberals. In turn, *caudillos* across Venezuela allied with or against Páez as fit their particular interests. When Bolívar declared a dictatorship in 1828, his popularity in Venezuela plummeted and Páez, as a vocal opponent of "the dictator," came to represent all that Venezuelans had fought for in the war. In 1829, Venezuela declared its intention to secede from the union. Bolívar volunteered before Congress in Bogotá to lead an army against the secessionist movement, but the *granadinos* had little appetite to enforce the union through bloodshed. In response to this news, Páez declared that Bolívar was now an enemy of Venezuela and that separation was the only means to ensure the "benefits of a popular government, in which the guarantees of citizenship are as strong as its power, and in which Venezuelan society will not remain exposed to the caprice of a person or family."[58] Páez, formerly a *llanero* peon, had come to represent republican freedom in defiance of Bolívar, who now represented tyranny. When Venezuela declared independence in 1830, Páez ascended to become indisputably the most powerful figure in Venezuela, and with him civilian–commercial interests also rose. The alliance, then, brought power to civilian commercial interests, Páez and his associates, and the constitutional order.

Bolívar went into self-imposed exile and died in December 1830, impoverished and powerless. With him, the possibility of the Gran Colombian union also died.

The Ascent of Civilian Power in Sovereign Venezuela

With full independence, two allied forces steadily gained dominance over the Venezuelan state: the figure of Páez and the civilian government. Attacks on military and Church *fueros* began promptly. Under the 1830 Constitution, military personnel had no special suffrage privileges,[59] and according to Article 215, they enjoyed no exemptions from taxes. Resentments boiled to the surface among military men who begrudged the civilian-dominated institutions or who had supported Bolívar or Santander and did not enjoy Páez's patronage.

In the immediate aftermath of the separation from Gran Colombia, some military personnel took advantage of the weakness of nascent government. Rogue military officers at times turned to highway robbery or attempted insurrections, but regional civilian and military personnel subdued such local challenges.[60] More serious were the actions of military *caudillos* that challenged the civilian government and sought to establish sovereignty over their fiefdoms, all of which threatened to undermine the legal order and government's legitimacy. Though the central government never eradicated the threat of regional *caudillos*, it successfully blocked their more overt efforts to act as autonomous warlords. For example, in 1830 General José Tadeo Monagas superseded his authority when he brokered a peace with rebels in eastern Caracas Province by granting them full amnesty. Congress considered these terms far too lenient, so it revoked Monagas's authority as mediator and his ability to serve as a delegate to Congress. The following year he launched a rebellion that spread throughout the eastern provinces to defend conservative policies. The rebels announced that they attacked the government because the new constitution served only as a "ferment of discord" and because "religion is attacked at its foundation; and the *fueros* of the military are being contemptuously destroyed."[61] Again, a general attempted to achieve peace in a way that undermined Congress's authority. One of Páez's generals, Santiago Mariño, met Monagas and offered to pardon him if he would support Mariño's effort to create a new eastern province (*Departamento del Oriente*), over which Mariño would be governor. Not surprisingly, Congress rejected the terms of this armistice and discharged Mariño from the military.

In contrast, Páez negotiated peace settlements in ways that demonstrated his clout, and Congress did not contradict his efforts. He met with Monagas, granted him and his followers a full pardon, and the rebels put down their arms. Ironically, the leader of the movement, Monagas, exited the confrontation, having lost nothing, while the initial negotiator, Mariño, lost his rank and was discharged from the military.[62] Also in 1831, Páez successfully negotiated with the last active royalist rebel leader, José Dionicio Cisneros, who had continued a royalist guerrilla struggle for a decade after the battle of Carabobo. During that decade, Páez and Cisneros oddly enough developed a friendship, and Páez became the godfather to Cisneros's son. Using these personal ties, Páez convinced Cisneros to lay down his arms in exchange for which Cisneros received amnesty, the rank of colonel in the Venezuelan army, and large tracts of fertile land. Several times over the succeeding years, when asked about his guerrilla

past, Cisneros responded, "he did not turn himself in to the government nor to the Republic, but to his godparent Páez."[63] Páez, not Congress, made the peace with Cisneros.

While rival generals lost status and had to admit their subordination to Congress, Páez continued to gain in power and reputation. Through the peace negotiated with Monagas and Cisneros, Páez demonstrated to the *hacendados*, the merchants, and the bureaucratic elite that he could protect their interests, but that they were dependent upon him. In the Weberian sense of the word, the state resided not only in the institutions of the government and the military but also in the person of Páez.

LA REVOLUCIÓN DE LAS REFORMAS

The last serious stand of conservative opposition occurred in 1835, and it proved to be a more serious threat to the government than previous rebellions. The rebels voiced many of the same aspirations as had been issued in 1831, particularly the desire to reassert the status and *fueros* of the military and the Church and to challenge the rising power of a civilian government. The revolt was thus not merely a power play but also an attempt to reverse those liberal developments that had placed the Church and the military beneath the authority of elected, secular, and civilian officials. The catalyst for the violence was the 1834 election, in which a civilian took the presidency. The election went to José María Vargas, who was renowned as an intellectual, medical doctor, scientist, and first director of the *Sociedad de Amigos del País*. Vargas had assisted the independence movement at its inception but had spent most of the war years in Europe finishing his studies and did not return to Venezuela until 1825. He was, therefore, the only candidate who had not fought in the war. Páez had backed the candidacy of General Carlos Soublette, but he accepted the loss and supported the presidency of Vargas.

Several generals, however, were not so forgiving. They saw the election of a civilian who had not fought during the war as an insult and a threat to the privileges owed to the heroes of independence. *Caudillos* who chafed under Páez's status joined the movement: Santiago Mariño became its leader, and José Tadeo Monagas also joined. The movement called for a number of political and legal reforms, and its proponents became called *las reformistas*. On July 8, the rebels took Caracas and put President Vargas under arrest. These were the circumstances under which the conversation that began this chapter, between Vargas and one of his captors, presumably occurred. Vargas refused to resign, so the military sent him and his vice president, Andrés Narvarte, to the island of St. Thomas. Though some *reformistas* offered Páez leadership of the movement, he refused and

gathered allies to declare support of the Constitution and the legally elected government.[64] From exile, Vargas appointed Páez as his chief of operations, and the counterrevolution made rapid advances. Vargas resumed his presidency in Caracas on August 20. On March 1, 1836, Páez defeated the last *reformista* holdout and the ten-month rebellion came to an end. Páez pardoned Mariño and allowed Monagas and his officers to retain their rank.

Numerous factors had motivated the *reformistas* to revolt. Their program was not systematic, but it had a consistently antiliberal tenor as they opposed the 1830 Constitution, the civilian-led government, centralism, the decline of military and Church *fueros*, capitalist economic policies, and the power of Páez.[65] The *reformistas* perceived themselves locked out of a rising body of civilians whose financial and commercial power eclipsed the landed power of the generals-turned-*hacendados*. When the *reformista* General Pedro Briceño Méndez invited Páez to lead the rebellion, he asked Páez to join their cause against "our unrelenting enemies, the Lawyers."[66] Their letters made frequent references to the need to "restore the due rights to patriotism" and to view military experience as a prerequisite to holding political power. The initial declaration of rebellion asserted: "it is declared that the Roman, Apostolic, Catholic Religion is the Republic's religion, protected and sustained by the Government and the laws; that public offices of all classes should be in the hands of the founders of liberty and the old patriots."[67]

The changing nature of the economy had also alarmed the rebels. The move toward capitalism had opened markets and removed privileges and protections enjoyed by Venezuela's traditional economic producers—the *hacendados*. Several of the *reformista* leaders—including Santiago Mariño, José Tadeo Monagas, and Pedro Briceño—had become owners of large, landed estates as a result of the war.[68] In 1836, several of the reformistas, now exiled in Curacao, published a declaration of why they had rebelled. They explained, "Vargas became the nation's First Magistrate only through gaining the commercial money and influence of those rogues that abuse the candor and good faith of the people, discrediting all the patriots that honored Venezuela with their heroic service, and with the applause of the *godos* [conservative royalist] that hope to resuscitate the insulting colonial rule of the Spanish."[69] They described an emerging system in which merchants opposed "the people," and the growing power of capital led to internal colonialism. Though the liberal radicals had originally fought for independence in order to pursue liberal economics, the *reformistas* now associated capitalists and *godos* as coconspirators hoping to undermine Venezuela's freedom. In this pamphlet, they laid

much of the blame for this oppression upon Páez, who colluded with merchants and civilians, took power through raw force, and "forced the will of the people with his dictatorial power."[70]

The *reformistas* postured themselves as defending both the republic and traditional values. When they briefly held Caracas, General Mariño distributed a pamphlet addressed to "Citizens," which announced that the "liberating army" pursued "social reforms" of

> public health, order, justice and liberty that restore the due rights to patriotism, that restore to the Venezuelan people the simple pleasure of their essential prerogatives: that throws out the electoral intrigues: that gives us institutions founded on love and the *patria*, and on the sacred dogmas of a popular, representative, and alternative system; and finally that regenerate the classic place of patriotism in the country.[71]

This appeal to republican values of government (e.g., popular, representative, protective of civil rights) notably lacked a commitment to respect the laws. Mariño promised to preserve rights and institutions founded on love and patriotism, not institutions based on rationalism and law. Further, he did not allege that Vargas' government had failed to uphold the law; instead he accused the government of having failed to maintain order, justice, and the proper place of patriotism.

The documents and communiqués of the anti-*reformistas*, on the other hand, expressed a consistent demand for respect of the law. Like *reformista* documents, they also made appeals to order, justice, peace, and the like, but they differed in that they looked to legislated law as the font of political legitimacy. As we saw at the beginning of the chapter, President Vargas challenged his captors through appeals to the legal order. Before he left in exile, Vargas successfully disseminated a pamphlet in which he assured his fellow citizens that he had not resigned and that he remained president not because of any personal interest but because of his veneration for the laws and the institutions of legitimate government:

> Fellow citizens: Upon exercising the precious right of election that comes to us through the laws that you yourselves composed, and through the sacred principles that the liberal world has proclaimed . . . I have attempted to remain true to your trust and have always been willing to make all the sacrifices possible on the altar of the Law, of Justice, and the Good of Venezuela. . . . [My captors have

> asked me to] abdicate, showing contempt for the authority that you legitimately gave me. . . . [But I cannot resign,] not being able to separate myself from the path drawn by the laws, honor, and my own conscience.[72]

This dedication to law could be found not only in Vargas but also in other anti-*reformista* leaders. On July 15, a week after Vargas had been arrested, Páez distributed a pamphlet that appealed to the people to remain loyal to the Constitution and called for recruits. He reminded the *reformistas*, "If you want to reform the Constitution, it establishes the means to do so." He made clear that he had overseen the ratification of the 1830 Constitution, had sworn to uphold it as president, and now "my obligation is to defend this code, and I will spare no sacrifice and I will risk my very existence in order to do so."[73] After their victory, anti-*reformista* communication frequently blended references to martial glory and liberal institutions. For instance, when General Juan Bautista Arismendi triumphantly reported "the reestablishment of constitutional order" in several eastern towns, he trumpeted the sacrifices of the troops as well as "the restoration of the laws in every province of Cumaná." His final line read, "¡*Viva la Constitución, las leyes* [the laws] *y los venezolanos*!"[74]

AFTERMATH—THE REDUCTION OF THE MILITARY

Just weeks after the revolt had been quelled, José Vargas resigned the presidency, apparently badly shaken by all the turbulence. Two interim presidents then occupied the office until the 1837 elections, when Soublette, Páez's original choice for the 1834 election, won. For the next ten years, either Soublette or Páez held the office until General Monagas became president in 1847.

One of the most lasting results of the revolution was the reduction of the armed forces and the corresponding increase of civilian authority in the government. Though the republican governments had been attempting to reduce the military for some time, the process accelerated in the wake of *Las Reformas*. The numbers for military personnel by year were 2,683 (1830); 2,553 (1835); 1,300 (1837); and 1,000 (1840).[75] In the five years before *Las Reformas*, the number of army personnel dropped by 5 percent; in the next five years, it dropped by 61 percent. Of course, some of this drop was because a number of military personnel lost their commissions because they had participated in the revolt.[76] Nonetheless, the portion of the state budget occupied by the military steadily declined, demonstrating a resolve to minimize the power of the army. Though the

military budget oscillated, its portion of the national budget steadily dropped from 59 percent in 1832–33 to 23 percent in 1845–46 (see figures 2.1 and 2.2). While the Ministry of War consumed the largest portion of the government's budget throughout the 1830s, it lost that position in 1840, and by 1842 it was third, behind the Ministries of the Interior and the Treasury. Even during years when the military budget rose, its portion of the national budget dropped because exports increased and government revenues rose. When the Conservative Oligarchy collapsed in 1848 and the reign of the Monagas brothers began, military spending began to rise again (see figure 2.1, years 1851–1853).[77]

The military accepted these reductions peacefully, and there were no military uprisings until a full civil war began in 1859 (*La Guerra Federal*). The growing economy successfully absorbed the decommissioned soldiers, and Venezuela avoided the sort of disorder that can result when military reductions leave soldiers underemployed. Military strength survived partly through the active civilian militia.[78]

Ultimately, civilian commercial interests that favored liberal institutions came to dominate the political scene in Caracas and elsewhere.

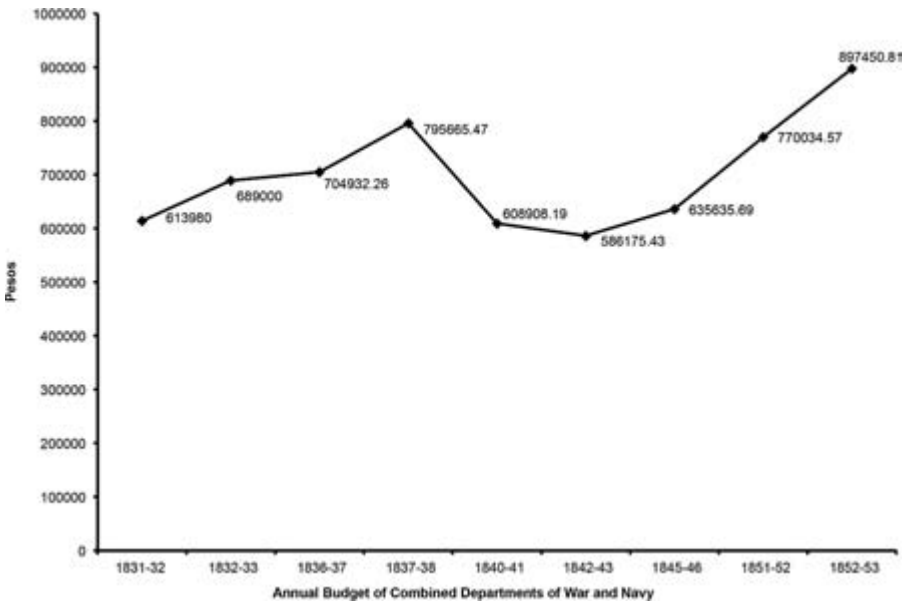


Figure 2.1. Military budgets. Data from Irwin, *Relaciones civiles-militares*, 15–59; Perez Vila, "El gobierno deliberativo," 62–63.

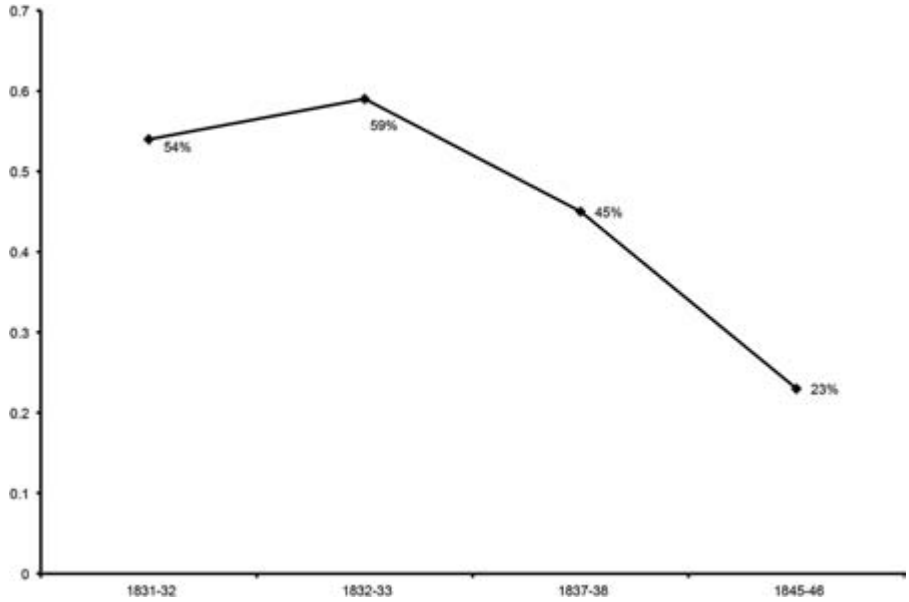


Figure 2.2. Percentage of national budget spent on the military. Data from Perez Vila, "El gobierno deliberativo," 62–63. Under Gran Colombia, the military was also the largest category of public spending, consuming 40 percent of the state budget in 1825. Victor Uribe-Uran, *Honorable Lives*, 75–76.

These groups gained the support of Páez, thereby forming a very powerful alliance of commercial, political, and military elements. Though his power superseded that of his office, he consistently promoted the Constitution, the liberal agenda, and the power of the civilian government.

Civilian Bureaucratic Dominance over the Church

The Catholic Church in Venezuela had never been as strong or well funded as in other, more central areas of the empire such as New Spain, New Granada, or Peru. The region's colonial ecclesiastical apparatus was underfunded, understaffed, and very decentralized. Given the poor communications across such a vast area, divisions existed between secular and religious clergy, and factions could be found even among the religious orders. The Church established an archbishop in Caracas only in 1803, so the apparatus to unify the ecclesiastical jurisdiction did not appear until shortly before independence. However, by this time the power of the

Church was already weakening. As Venezuela gained in commercial stature over the eighteenth century, those with wealth tended to put more of their resources into secular interests (commercial ventures or conspicuous displays of family wealth) rather than invest in churches or masses.[79]

Further, the central coastal zones, which housed the greatest density of population and commerce, had already seen the spread of secular philosophy. Enlightenment books, which had arrived via foreign vessels of trade and contraband, successfully eluded the Inquisition and entered the libraries and *tertulias* of the commercial elite. José Manuel Restrepo, in his famous account of the independence wars in Gran Colombia, noted that religion had a much greater hold in Bogotá and Quito than in the Captaincy General of Venezuela: "It [religious influence] appears to increase when the people's communication with foreigners is less."[80] Families with means preferred to send their sons into the military or the colonial administration. Consequently, the lower clergy attracted fewer members, and those it did attract tended to lack education and piety.[81] By the end of the colonial period, secular philosophies were already spreading among some elites and *pardos*, the number of priests and friars had declined, and the ecclesiastical courts were losing ground to the civil courts.

With the advent of the independence movement, the clergy, already decentralized and factious, split in their loyalties.[82] Archbishop Narciso Coll y Prat and many other clergy remained loyal to the Spanish Crown and were leery of a movement that gained inspiration from revolutionary France and Protestant countries such as Britain and the United States. During the fighting, some lower clergy supported royalist forces in terms of recruitment, providing intelligence, coordinating supplies, making donations, and exhorting their parishes to remain loyal to king and Church. Sermons by royalist priests insisted that the king was, like the pope, a vicar of Christ on Earth, and to fight for independence was to rebel against God himself.[83]

At the same time, many ecclesiastics also actively supported independence. The official theological position of the Venezuelan Church regarded revolution against Spanish authorities to be a sin. Nonetheless, liberal theologians countered with arguments that men did not need a king in order to survive and that the colonial system actually promoted sin because it damaged humanity.[84] Eventually, the majority of creole clergy joined the republican cause.[85] The pro-independence Congress that gathered in 1811 abolished the Inquisition and Church *fueros*. Nonetheless, nine clergy attended the congress, and eight of them signed the Declaration of Independence on July 5.

When war broke out, numerous ecclesiastics rode with the armies of both sides, at times even taking up arms. Early on, Simón Bolívar charted a course that would protect the status of the Church, as he considered it to be essential to the maintenance of social order. The wars severely weakened the Church throughout the Americas due to the death and exile of priests and destruction of property, and Venezuela was no exception.[86] Nonetheless, Bolívar hoped to protect the Church and keep it as an ally. By the end of the wars, Argentina, Chile, Peru, and Bolivia had no bishops; in contrast, Gran Colombia had two—in Popayán, New Granada, and Mérida, Venezuela—both of whom were royalists.[87]

The Church now had even less power than before independence, and the Gran Colombian state supported the Church only so long as the Church supported the republic.[88] Throughout the 1820s, Bolívar continued to protect the Church against assaults by liberals, not so much from any strict piety but more as a practical decision to foster social order. The Vatican, hoping to balance its desire not to antagonize Spain and not to alienate the new Latin American republics, struck a neutral stance toward independence, and Gran Colombia's president sought amicable relations in his pursuit of domestic stability. Bolívar prevented Congress from declaring religious tolerance and from further attacking church privilege, and he allowed bishops to attend the Congress of Angostura (1819), all of which drew criticism from liberals.[89] As a sign of the success of his policy to ameliorate the Church, in 1828 Bolívar successfully elected Ramón Ignacio Méndez as the archbishop of Caracas. As a priest, Méndez had signed the Declaration of Independence back in 1811 and accompanied Páez's troops during the years of fighting, so he well represented a Venezuelan Church that was allied with the republican cause.[90]

Nonetheless, relations between Church and state suffered on several occasions. The 1821 and 1830 Constitutions made no direct mention of religion or the status of Catholicism. In 1824, the republican government passed the Law of the Patronage, which granted it the power enjoyed by the Spanish kings to elect and appoint members of the clergy. Congress also assumed the power to protect the Church, to supervise communication with the Vatican, and to oversee the construction of churches and ecclesiastical jurisdictions.[91] These powers would prove to be a source of lasting conflict between the government and the Church. Additionally, elite liberals published anticlerical opinions, as they criticized the Church for its lack of economic productivity, scorned priests who did not work but still held property, and complained that holy days reduced national productivity and encouraged laziness.[92] While anticlerical sentiments and

the erosion of Church power waxed and waned in other parts of Latin America, in independent Venezuela they rose steadily.[93]

With the fall of Bolívar and Venezuela's secession (1830), the Venezuelan Church came further under the control of the liberal government. Bolívar had defended the Church against liberal critics, and the Church supported its ally even during Bolívar's dictatorship (1828–1930). After the secession, the Church's support of Bolívar was a liability that liberals exploited to push for further control. In 1833, when the country's bishops repeated their demand for the revocation of the Law of the Patronage, Congress rejected their request because "the observance [of this law] is very useful and convenient to the greater service of the Church and the State . . . the civil authority [needs this law in order to serve] as the patron and protector of the Church of Venezuela."[94]

The new Constitution also demonstrated the increasingly patronizing attitude of the civil government. The 1821 Constitution had an epilogue that referred to Catholicism as "the religion of our fathers, and it is and will be the Religion of the State." The 1830 Constitution, however, made no such assurances. The epilogue of the new Constitution declared that Venezuelans would maintain the "precious ties of union" with the Catholic religion "that they have inherited from their progenitors . . . ceaselessly instilling the spirit of conciliation and fraternal love among all . . . of open hospitality and cordial adherence to all foreigners . . . [and] of obedience and submission to the law and the powers that constitute it." The government maintained ties with Catholicism, but did not recognize it as a state religion. Further, respect for the Church had become subsumed under loyalty to the republic and served as a vehicle toward expressing hospitality to non-Catholic foreigners.

Since the onset of independence, Church officials were simply too weak and too divided to prevent the intrusion of liberal reforms into their domain. Even foreigners noted the surprisingly low attendance at Church services. In 1822, Richard Bache, a French naturalist, observed, "Even in the more populous cities, very often when Mass begins there are no more than six or eight women present. Regarding men, their assiduity is even less; among those with more liberal education that enjoy high positions and honors, they limit their attendance to once per week."[95] John Hankshaw, an Englishman who worked and traveled in Venezuela in 1832–1834, observed, "In Venezuela generally, Catholicism is held in low estimation. . . . There is scarcely any observance of the Sabbath in the interior of the country, in small villages or in the

woody districts, where the inhabitants are scattered. It is not much better in the larger towns. . . . There were evident signs of decreased revenues about everything that was done."[96] Hankshaw's dismal description could have been skewed by his evident desire to encourage Protestant missionaries to come and convert the masses.[97] Nonetheless, Venezuelans themselves corroborated his impressions. In 1831, several provincial governors described to the central government how the clergy were so scarce they could hardly attend to congregants or control the native population. In communication to Páez, Archbishop Méndez explained that Church administration was even less centralized than during colonial times, that men of quality did not enter the priesthood because of its low prestige and financial rewards, and that for many people, Catholicism had been reduced to just two acts: baptism at birth and absolution at death.[98]

This is not to say, however, that the Church offered no struggle at all. Archbishop Méndez had supported the republic since its inception, but he now openly challenged the government for its intrusions into the ecclesiastical sphere. He objected to the general assault on Church *fueros*, openly challenged Congress on the Law of Patronage, and also rejected Congress's demand that all ecclesiastics swear an oath of loyalty to the Constitution in a cathedral or church.[99] In 1830, Méndez published a series of pamphlets addressed to Congress in which he explained, "I have enjoyed the honor to have been . . . an unimpeachable witness to the zeal of the reforms that have animated the congresses in their just desire to improve the fortune of these states. . . . I have seen, to my sorrow, that the civil and political power has transgressed the limits that naturally circumscribe it."[100]

The fight over swearing the oath turned into a serious struggle as Méndez insisted that he would swear an oath to the Constitution only if it did not contradict his obligations to the Vatican. Congress threatened to exile the archbishop and anybody else who rejected the oath of loyalty.[101] As the conflict could now turn into a crisis, President Páez weighed in on the matter. On November 23, 1830, he wrote a personal letter to Méndez in which he addressed the archbishop as "My very venerated señor and friend," but reminded him, "you live beneath the protection of the laws, you partake of their advantages and you enjoy the rights of all other citizens. . . . You don't stop being a citizen because you're an archbishop, and this position makes you even more obliged . . . to give an example to the people of fidelity and submission to the temporal power."[102] Méndez continued to refuse to swear the oath of loyalty, and in 1830–1831 Congress

exiled him, along with several bishops and other recalcitrant clerics, to Curacao.[103] In 1832, the exiled clergy returned and swore the oath to the Constitution.[104]

The Church continued to serve as a powerful feature of daily life, a potent political force, and a cherished part of local culture, but its political subordination was clear. In 1833, Congress abolished the tithe, and in 1834 it legislated freedom of religion. The rather tepid language of this law, which simply stated, "Freedom of religion is not prohibited in the Republic,"[105] reflected widespread ambiguity on the subject. The presence of non-Catholics was a new and, for some, discomforting phenomenon, and the Church's distaste for religious tolerance continued to weigh on public discourse. At the same time, the republic wanted to attract foreign commerce and capital and therefore needed to assure religious tolerance.[106] In 1836, Archbishop Méndez rejected a dean and archdeacon appointed by the president. In the ensuing trial, the Supreme Court found him guilty of violating the Law of Patronage and sent him into exile; he died in Colombia three years later.[107]

Though assaults on the Church such as these instigated intense conservative versus liberal violence in places such as Mexico, Peru, and Nueva Granada, there was no such backlash in Venezuela. As Páez observed, "The Venezuelan clergy, always too poor to employ rebels, never gave its support to those who used the name of the sacred Religion to justify their perverse actions. Unfortunately, American clergy has not been equally moderate in other republics."[108] Venezuela's Conservative Party (formed in 1840) had little interest in the Church, and Venezuela has never seen a popular rebellion inspired by religious loyalty against secular reform, such as Mexico's Cristero War (1926–1929). The military uprisings of 1831 and 1835 voiced a desire to preserve Church and military *fueros* and to protect the "religion of our fathers." Like the military itself, however, Church personnel split during these revolts, with some supporting the rebels and some advocating for the elected government. In any case, the government defeated both rebellions quickly, and neither event saw large peasant uprisings in support of parish clergy as happened elsewhere.

Years after the fact, Páez reminisced about the secession from Gran Colombia and exile of clergy (1830–1831) and noted the complete absence of popular protest: "Nothing so proved the unanimity of Venezuelan opinion in favor of the separation [from Gran Colombia] than the tranquility with which they bore the exile of the archbishop [and the bishops] . . . in Venezuela the ecclesiastical power was never a sufficiently powerful influence to hinder the civil power."[109]

Conclusion

From one perspective, many of the accomplishments of the republican government can be seen as an accelerated continuation of Bourbon projects. Since the mid-eighteenth century, Bourbon monarchs had attempted to centralize power and regularize administration by establishing state legislation above Church, customary, or local considerations. Though colonial creoles had chafed under Bourbon attempts at centralization (i.e., the *intendente* system and preference for *peninsulares* in administrative offices), independence leaders hoped to achieve the very same ends, though of course they hoped to do so with republican structures such as constitutionalism, elected government, a free press, and so forth.

While the republican leaders enjoyed the advantage of greater geographic proximity to their subjects than did Bourbon kings, they also had to face a number of problems the eighteenth-century monarchs did not. The independence movement had caused a crisis of sovereignty. At the dawn of independence in the 1820s, such matters as who should be in charge and the criteria to determine legitimate authority remained open questions. By the late 1820s, divisions over the Church and the declining popularity of Bolívar aggravated the question of legitimacy. Further, the war years had made military leaders far more powerful than they had been during colonial times. In the 1820s, military personnel were armed and ambitious, and the government was so debilitated that it relied upon officers to perform civilian functions. Rogue officers robbed travelers and towns, prominent *caudillos* periodically rebelled, and royalist guerrillas still operated at large.

Despite these challenges, the civilian government achieved considerable success in all these areas. To a large degree, the success of the government derived from the alliance formed between Páez and the Caracas liberals who made common cause against the Santander government, against Bolívar's dictatorship, and against various Venezuelan challengers. Páez could control the *llaneros* of the southern plains, could defeat any other *caudillo*, and could work with the commercial interests of the coastal regions. This alliance formed a symbiotic relationship that crystallized a coalition of military, commercial, and agricultural interests that advocated liberal reform. Strengthened by this coalition, the state dominated the Church in matters of ecclesiastical personnel, *fueros*, taxes, and freedom of religion. The civilian state also controlled the military. Local civilian and military authorities frequently captured and punished the rogue officers. Congress and loyal military officers consistently suppressed

and punished *caudillos* that rebelled or superseded their authority when negotiating with rebels. The defeat of *La Revolución de las Reformas* broke the back of conservative and military opposition and left civilian rule uncontested.

At the same time, a subtle change in administrative norms took place that demonstrated that liberal ideals permeated beyond superficial rhetoric. Again, the leaders of independent Venezuela inherited from the colonial regime a decades-long process of state efforts to centralize power and regularize administration. However, imperial leaders could not simply rule through legislation. Colonial jurisprudence still considered social harmony to be of paramount importance and regarded traditions, local customs, and religious beliefs to be as significant as legislation in the maintenance of justice. Criminal activity, therefore, could be associated with disrespect to the king, tradition, religion, and proper decorum (socio-moral transgressions). Consequently, colonial accusations of misconduct were intertwined with issues of civility, moral decency, legal behavior, and political loyalty.

After independence and the collapse of the old regime, republican statesmen, bureaucrats, and citizens looked to a weak, impoverished state to bring order and justice. The state preserved patriarchal privileges codified in colonial law and retained *padres de familia* as the guardians of social order. Inequality, therefore, remained in force as propertied men could dominate and control subordinates, which included women and poor men. Within this framework, Venezuelans advocated for the strict adherence to objective standards of written law. The republican state, therefore, declared that it would prosecute infractions against written laws but not those against customs, social conventions, or religion. Within the first three decades of independence, the government successfully made this shift, as demonstrated by the discourse and treatment of official misconduct within the courts and governmental communication. Correspondence within the Ministry of the Interior shows that legislative accusations appear solidly in place by the 1830s. Within the courts, socio-moral accusations slowly dissipated throughout the 1820s–1830s and were replaced entirely by legislative accusations by the 1840s. Elena Plaza studied legislation and elite discourse and argues that, during the 1820s–1840s, Venezuelan state administration was "routine, orderly, tenacious and systematic," and that it sought "to achieve the institutionalization of society."[110] The archival sources used in this article, though different from Plaza's, coincide with her characterization. Venezuelan leaders moved the state

from a regime of justice to a regime of law in so far as they achieved considerable changes in state standards of legitimacy.

Exactly why the language of incivility and indecency disappeared from complaints is not precisely certain. Perhaps it disappeared because the litigants no longer thought as their colonial counterparts had. Or perhaps litigants had not changed their mode of thinking, but simply adjusted their language because they realized that socio-moral accusations no longer moved state officials. Although it is uncertain to what degree civilians internalized the legislative standards, they clearly knew how to manifest these new standards when interacting with the state. Republican officials, as well as civilians who stepped into the state's sphere of the courthouse, adopted a language that conformed to a regime of law, which placed legislation above other considerations.

CHAPTER THREE

Law Versus Justice

Legalism in the Courts

In January 1823, Policarpo Mendo found himself in a jail cell, and to a large degree his uncertain future hinged upon his reputation. The events that brought him to this precarious situation began a few days earlier, when he stood in a Caracas plaza and watched a cartload of women accused as *godas* [Spanish loyalists] being driven out of the city. He had conversed with another onlooker, Lameda Cipriana. Though the two did not know each other, they began to argue, exchanged insults, and she called him a *godo*. According to Cipriana and her six witnesses, Mendo then struck her to the ground and kicked her; according to Mendo and his three witnesses, he merely pushed her away. Mendo soon found himself locked in a jail cell, charged with verbal and physical injury. More worrisome than the injury charges, Cipriana and her witnesses also asserted that Mendo was known to support the royalist cause. Royalist troops still fought republican forces in some coastal cities, so an accusation of treason was no trifling matter. Further, for centuries reputation had formed one of the most important types of courtroom evidence for determining a person's credibility or guilt. The testimony of Cipriana's six witnesses, therefore, placed Mendo in a precarious situation. In what probably surprised both parties, however, the judge saw the case in a different light; he considered the evidence against the defendant so weak as not to merit the

*This chapter appears in expanded form in Reuben Zahler, "Liberal Justice: Judicial Reform in Venezuela's Courts, 1786–1850," *Hispanic American Historical Review* 90, no. 3 (2010): 489–522.

court's attention, so he released Mendo and ordered him and Cipriana to split the court costs.[1]

This trial offers valuable insights not only into honor conflicts and fears of *godos*, but also into the profound changes that occurred within the Venezuelan courts across the middle period. During the late colonial period, the court system represented a powerful arm of the government and an important sphere of contact between the state and its subjects. Colonial subjects looked to the king as the ultimate arbiter of justice and used the courts as one arena (along with Church and communal institutions) to resolve disputes and maintain social harmony. The republican government hoped to maintain the importance and legitimacy of the courts, but to infuse them with liberal standards. Inspired by Enlightenment ideals, republicans sought to establish a judiciary that would follow specific, rules-based procedures rather than more abstract notions of traditional justice that allowed judges considerable leeway in reaching decisions. This chapter demonstrates that republican courts adopted several new standards based on liberal paradigms and that citizens continued to use the courts as they had during colonial times.

Until recently, historians believed that the new republics in general, and the judicial system in particular, achieved virtually no profound liberal reform until the late nineteenth century.[2] Among most historians of Venezuela, it is still a truism that the judicial system, though strong and well respected during the colonial period, virtually collapsed after independence. This interpretation holds that republican citizens stopped using the courts because they trusted neither the competence of the judges nor the potency of the courts to enforce a decision (i.e., to collect a fine), and therefore saw little reason to waste time with them. Plus, after a decade of war, a culture of violence had pervaded the population, making people too impatient to bother with inept state officials and far too willing to take matters into their own hands. The courts, then, serve as an example of state institutions that failed to garner trust from or use by the populace.[3]

This investigation into the judiciary of the middle period presents a very different picture through using both quantitative and qualitative methodologies. Arlene Díaz challenged the standard scholarly perspective, as she took samples from the years 1786–90 and 1835–40 and found that the republican sample had more court cases.[4] Building upon Díaz's findings, and using more comprehensive data than was available when she conducted her research, this investigation finds that republican Venezuelans used the courts in numbers similar to those of their colonial

forebears. These data indicate that the courts remained an important feature of Venezuelan society despite the disruptions of the independence wars and the accompanying crisis of legitimacy. The qualitative methodology uses court documents to show that the republican courts not only upheld numerous colonial standards and procedures, but also implemented significant reforms commensurate with liberal-republican models in four areas: questions of jurisdiction, transparency, due process, and standards of evidence.

As discussed in previous chapters, legal and juridical trends across the middle period reflected the state's effort to centralize its power and rationalize its administration. Both Bourbon and republican governments sought to increase state wealth and power through establishing clearer administrative guidelines and hierarchies as well as increasing the central state's penetration into spheres previously dominated by the Church and local authorities. The republican leaders pursued these goals in part through a professed veneration of law as the embodiment of rational governance and the framework for a brighter future. As Bolívar declared, "the imperium of the laws is more powerful than that of tyrants, because they are more inflexible, and everyone should submit himself to the benefit of their rigor . . . the exercise of justice is the exercise of liberty."[5]

These efforts by both the monarchical and republican regimes were overly ambitious and a mixed success, lacking the administrative infrastructure and funds to enforce such far-reaching changes in agricultural-based societies spread across such enormous territories. Rogelio Pérez-Perdomo points out that independent Venezuela did not have the potential to achieve real juridical formalism (adherence to prescribed rules or forms) until the creation of a unitary, codified body of law in 1876.[6] The archives are full of examples that support John Lombardi's contention that the Venezuelan courts often had great trouble asserting their authority, which could cause endless delays in bringing a defendant to trial or collecting a fine.[7] For instance, in a case from 1826, three different *licenciados* (an attorney or university graduate) refused to provide legal advice to a judge because they were simply too busy to attend the matter.[8] In 1838, a *juez de primera instancia* transferred a case to a *juez de paz*[9] because he "found himself completely overloaded with business that demands full attention."[10] In 1844, a judge ordered Manuela Guzman and Fernando Guillen to pay fifty pesos to Josefa Acosta for insulting her. Five years later, when the *expediente* ended, the defendants still had not paid, and the court proved unable to compel them to comply with the judge's decision.[11]

Despite these enormous problems, the courts remained a viable state institution. In spite of the drop in population and damage to institutions caused by the independence wars, republicans used the courts in numbers roughly comparable to their colonial counterparts. Further, the courts underwent significant changes in standards and procedures that reflected liberal norms and greater adherence to legislation.

Use of the Courts

The aforementioned assumption, that use of the courts plummeted after independence due to the judicial system's weakness and incompetence and the citizenry's distrust of governmental institutions, has persisted despite the lack of quantitative studies on the subject.[12] Some data may be gathered, however, from the *Índice de Expedientes Civiles y Criminales*, which provides the scribal list of the court cases that occurred each year, starting in 1800 (the *Índice* is located in the *Archivo General de la Nación* [AGN]). In addition, in 2000–2005 the *Academia Nacional de Historia* (ANH) created a database of its collection of colonial *expedientes*, which makes more robust quantitative comparisons possible. Republican court cases, housed at the AGN, have not yet been cataloged, so we cannot make a direct comparison between extant colonial and republican court cases. Further, extant court cases may represent only a portion of the original body of court cases, as papers disappear and get destroyed over time. This study, therefore, combines these two data sources: the database from the ANH, which provides a count of extant colonial *expedientes*, and the *Índice* from the AGN, which provides a list of late colonial and early republican *expedientes*.

In order to test the reliability of these two sources, figure 3.1 compares their data for the years in which they overlap (1800–1820).

As figure 3.1 shows, the number of cases from the *Índice* and the ANH's database overlap and corroborate each other across this twenty-year period. The *Índice* demonstrates that the ANH's collection of extant court cases is remarkably intact, and the ANH's collection shows that the *Índice* fairly accurately represents the number of cases from each year. The fact that the numbers from the ANH collection at times exceed those from the *Índice* may be due to clerical errors and the fact that the *Índice* has missing, torn, and broken pages. Despite these flaws, the manifest quantitative similarity between these two data sets lends credibility to both.



Figure 3.1. Reliability of the data: Comparison of the two data sources.

The following charts show the number of *expedientes* across six decades (1786–1846), beginning when the *Audiencia* was founded in Caracas. From 1800 to 1821, the AGN *Índice* lists *expedientes* for all of Venezuela. After independence, however, the *Índice* lists cases only from an area that, under the republic, was called the provinces of Caracas and Carabobo (see map 3, Sovereign Venezuela, 1840).[13] The following charts, then, present the number of *expedientes* from this area, not from all of Venezuela. This area contained one-third to one-half the population and the majority of all *expedientes* produced.[14]

This time period can be broken into three sections: the last twenty-five years of the late colonial period (1786–1810), the independence war years (1811–1821), and the first 25 years of the republican period (1822–1846). During the colonial years, there was an average of 445 cases per year, and for the republic there was an average of 327 cases per year, so that the average for the republic was 27 percent lower than for the colony.

As figure 3.2 shows, the quantity of cases during the republic was lower than but comparable to that of the colony. The general post-independence trends seen in figure 3.2, which show a steady increase in the number of court cases after 1823, seem consistent with a population and government rebuilding after a war. The clearest patterns that emerge are that the level

of court use persisted through the war years and the early republic, and that rapid drops in court use occurred during periods of intense violence or instability. As an additional factor, an earthquake in 1812 devastated Caracas and contributed to the precipitous drop in *expedientes* in 1812–1814.[15] Historians have long recognized the importance of the courts as a highly respected branch of Spanish colonial administration.[16] Use of the courts in the late colonial period rose rapidly, with a high across 1803–1809 and a zenith in 1805. Why exactly these years saw such a high number of cases will require further study; one possible reason could be the increase in Venezuela's commercial activity at this time, though other reasons surely played a part.[17] Thereafter, all rapid drops correlate exactly to peaks of political stress, violence, and natural disasters (1810, 1812–1814, 1820–1821, 1830–1831, and 1835).

Demographic trends indicate that republicans used the courts more frequently than did their colonial counterparts. The late colony's population was considerably larger than that of the early republic due to the high numbers that perished or went into exile during the independence wars. As mentioned in chapter 1, the war may have caused the population to



Figure 3.2. Number of *expedientes*, provinces of Caracas and Carabobo, 1786–1846.

drop by one-third to 44 percent. The group most devastated by the violence was the creole, property-owning class, as nonwhites and the poor attacked haciendas for vengeance and booty. This was precisely the demographic group most likely to bring conflicts to court. Given that the republic had a population 33 percent to 44 percent less than the colony, and had 27 percent less court cases, it is possible that republicans actually used the courts with greater frequency per capita than did the colonists. Arlene Díaz observed an increase in the number of court cases in samples from 1786 to 1790 and 1835 to 1840. She explains that this rise occurred because lower-class people recognized that they had more legal rights under the republican regime, and they "visited the courts more frequently to defend their individual rights in cases dealing with personal conflicts."[18]

Further, throughout the 1820s a disproportionate number of young men were in the military. These men comprised the demographic group most likely to commit crimes, but they would not have appeared in civilian courts for two reasons: they were under the military *fuero* and would be tried in military courts, and during some years they were stationed elsewhere in Gran Colombia or in Peru. After Venezuela became fully independent in 1830, her soldiers returned home, and the government rapidly reduced the size of the army (see chapter 2). This transference from military to civilian life could account for some of the low numbers of civilian cases in the 1820s and the higher numbers in the 1830s.

Structural changes, also, may have affected the creation of *expedientes*. The war caused havoc in the judicial system and greatly reduced its efficiency, as each side dissolved the courts of the other when regions traded hands.[19] On the other hand, structural changes may also have increased the creation of *expedientes*. For example, a lower level colonial judge could oversee a case in his house. Republican trials, however, had to occur within government buildings designated as tribunals, and postindependence judges probably paid more attention to paperwork.[20] Colonial cases, therefore, were more likely than republican cases to go undocumented, which means colonial use of the courts may have been greater than the number of *expedientes* would suggest. Venezuela was not alone in this trend; the number of court cases after independence also rose in Bogotá (Nueva Granada), Arequipa (Peru), and Sonora (Mexico). There are numerous explanations for this rise: republicans sought court arbitration in more types of issues than before because of their newfound rights, structural changes affected law enforcement and the process of civil litigation, or something as simple as a rise in the local population.[21]

In order to measure the level of public trust of and engagement with the courts, it would be helpful to distinguish between trials initiated by the state prosecutor and those initiated by private parties. Roughly, such cases would be classified as criminal trials (the state prosecutes the defendant) and civil trials (a private party sues the defendant). Further, depending on the type of charge, criminal trials would be initiated either by the state prosecutor (*de oficio*) or the injured party (*de parte*). Postindependence changes in public and private law[22] and in courtroom procedure could affect the classification of a trial as civil or criminal, and further as *de oficio* or *de parte*.[23] Tracking such classifications would be illuminating because civil cases and *de parte* criminal cases require greater civilian participation than *de oficio* criminal cases and, therefore, demonstrate more clearly the level of public trust in the courts.

Unfortunately, neither the database of the colonial *expedientes* nor the *Índice* of the republican cases distinguishes between civil and criminal cases, or between *de parte* and *de oficio* cases. Therefore, such precise categorization is not available at this time. Nonetheless, in order to gain some insight into the degree to which civilians initiated court cases, figure 3.3 shows numbers for one type of civil litigation, *cobro de pesos* (collecting debt).

As figure 3.3 shows, republican civilians clearly used the courts in the civil matter of debt collection in numbers commensurate with colonial subjects; the average annual number of debt collection *expedientes* was 19 percent lower during the republic than during the colonial period (52 per year vs. 64 per year). In this type of civil case, therefore, republicans used the courts with a frequency closer to colonial practice than for overall court cases.

Further, these patterns demonstrate that litigation in the republican period responded to legislation from Congress. In 1834, Congress passed the *Ley de Libertad de Contrato* (Law of Freedom of Contracts), which made finance laws much more favorable to creditors and is notorious in Venezuelan history for forcing numerous debtors to sell their property (see chapter 6). The following year, 1835, saw a considerable drop in *expedientes* overall. This drop was probably due to the conservative rebellion of 1835, which may have dissuaded people from using government institutions. By 1836, however, we see a large surge in *expedientes* overall, and particularly in cases of *cobro de pesos*. This particular spike, therefore, indicates that civilians responded to legislation when collecting debt, and clearly trusted the courts enough to cause a 147 percent increase in such cases from 1835 to 1836, and to rise another 24 percent from 1836 to 1838.

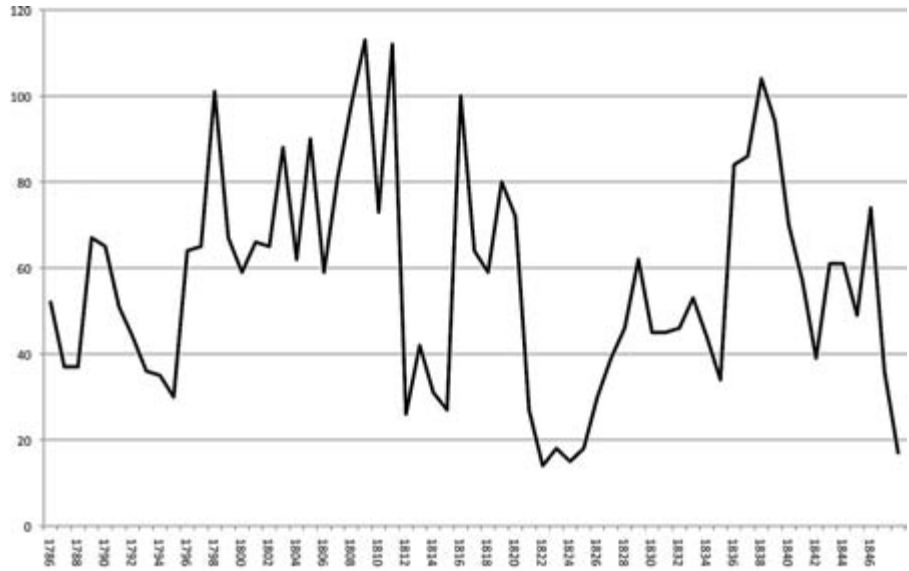


Figure 3.3. Civil cases: *Expedientes* of *cobro de pesos*, provinces of Caracas and Carabobo, 1786–1846.

To summarize, the numerical trends indicate that the culture of using the courts to resolve disputes remained in force across the sixty years under study. As Arlene Díaz asserted, "the judicial system was able to function . . . establishing continuity in the system even in periods of social and political crisis."[24] Use of the courts reacted negatively to episodes of intense political stress or violence, but consistently rebounded after each of them. Indeed, court use during the 1810s was higher than one would expect given our knowledge of these turbulent years. Under the republic, use of the courts started at a low level, rebounded to levels lower than but comparable to the late colonial years, and may reflect more use per capita than during the colonial years.

"The Majesty of the Law": Legalism and Centralism

Reforms in the field of law represented one of the many seismic changes attempted during the Age of Revolution. The modern assumptions of legal equality and the dominance of legislation over other normative orders ran counter to centuries of medieval and early modern traditions. Nonetheless, the Venezuelan republic set itself the task to encode legislation

that would embrace Enlightenment ideals of equality and freedom, and to ensure that the population deferred to this corpus of legislation. The Constitutions established, "It is the obligation of the nation to protect, through wise and just laws the liberty, security, property and the equality of all Colombians," and asserted, "Every Colombian is obliged to live beneath the Constitution and the laws."[25] Expounding further this veneration for legislation, in 1836 President José Vargas addressed Congress, "the government has imposed upon itself the unvarying rule not to stray one point away from the legal path. . . . To save the majesty of the law and national honor in the fight against dishonor and subversion of the legal order, this should be and has been the Northern Star of the Government."[26] As discussed in the previous chapter, republican civilian government prevailed over traditional forces within the military and the Church and achieved the dominance of legislation in determining administrative duties and misconduct.

Achieving this goal required the development of new jurisprudence and legal structures while also maintaining enough stability for the institutions to remain intact. During the independence war, both judicial institutions and personnel suffered considerable turbulence but also provided consistency and stability to the justice system. Many jurists embraced the independence movement and participated in the wartime republican governments and armies. The war years took a heavy toll on jurists, so that their numbers had been greatly reduced by the time of independence.[27] On the other hand, most creole jurists collaborated with whichever government was in power. For most of the war years (1812–1821), the royalists controlled the majority of the territory, most creole jurists worked with the colonial regime, and the colonial legal apparatus remained largely in force. The *Audiencia* continued to function, and the *Universidad de Caracas* continued to graduate students with law degrees.[28] With the republican victory in 1821, creole jurists then worked actively with the new regime, serving both within the legal profession and in all branches of government. The republican government expelled those *Audiencia* judges that were *peninsulares* but allowed creoles to remain and continue within the judiciary.[29] Judicial personnel, therefore, retained sufficient continuity to serve as ballast for republican legal institutions, furnishing them with experience, stability, and legitimacy.

With independence, the pedagogy for educating lawyers changed to promulgate a liberal legal culture. In 1827, the law school in Caracas altered its curriculum to include prominent Enlightenment authors such as Montesquieu, Jean-Jacques Rousseau, Benjamin Constant, and Jeremy

Bentham. The new curriculum also attended less to canon and Roman law than was the case in the colonial period, and instead concentrated more on natural law and national law (Spanish law, Gran Colombian law, and then Venezuelan law).[30] However, lawyers were not the only practitioners of law. Because of the paucity of lawyers throughout Spanish America, the republics maintained the colonial practice of using nonlawyers to serve as court officials and municipal and parochial judges.[31] Legal education, therefore, was not restricted to lawyers. In 1840, a Caracas press published Joaquín de Escriche's highly influential *Diccionario Razonado de Legislación Civil, Penal, Comercial y Forense*. Though Venezuela had only 140 lawyers at the time, the book sold 919 copies, indicating that not only lawyers but also numerous educated laymen read and used common legal books.[32]

On the other hand, the government faced numerous obstacles to advancing republican change, and much of the legal system demonstrated continuity with the colonial system. Writing new legislation alone posed a daunting task, and for the first decades Venezuela retained colonial laws alongside new codes. Law codes required judges to uphold legislative rules and justify their decisions by citing legislation,[33] which is a fundamental practice in a legalistic system. However, there was no legislated sanction against judges if they did not do so, and republican judges did not regularly use legislation to explain their judgments until after the codification of a full civil code in 1876.[34]

The remainder of this chapter will explore ways in which the Venezuelan courts developed formalist practices that conformed to the legalist, positivist standards that elites hoped to achieve. Though many legalist/formalist practices did not appear until the end of the century, a number of formalist practices developed as early as the 1820s–1840s, far earlier than scholars have assumed. The dataset is 160 court cases (29 colonial, 131 republican) that cover a variety of topics, including insults to honor, assault, homicide, libel, subversion, alimony, domestic abuse, economic matters (collecting debt, declaring poverty, seeking a moratorium on paying debt), disrespect for authority, and accusations against officials. Extending beyond the area covered in the quantitative section, the cases here come from the provinces of Caracas, Carabobo, and Coro. These three provinces encompassed approximately half of the republic's population,[35] and the cases used for this study represent both public and private law.

A note on organization: The following portion of the chapter examines four topics of court reform (jurisdiction, transparency, due process, and

evidence). For each topic, the investigation will show changes that occurred from the late colonial through the early republican periods. Moving from one topic to the next, therefore, will require jumping back and forth chronologically.

Reforms in Court Standards and Procedures

Ambiguity of Jurisdiction and Hierarchy

The colonial government did not possess a separation of powers and was composed of the overlapping jurisdictions of military, Church, and administrative spheres arranged in no specific hierarchy.[36] Hence, alcaldes, *oidores*, and *intendentes* could have both executive and judicial functions, and their hierarchy within administration or the court system was not entirely clear. Although this situation allowed for a certain flexibility and responsiveness at the local level, it also caused considerable competition among officials over questions of jurisdiction and hierarchy. Seeking a more efficient administration, Bourbon Reformers sought to build a more centralized, hierarchical bureaucracy. Nonetheless, the attempt to establish the dominance of Crown-appointed officers and institutions (i.e., *intendentes* and *peninsular*-dominated *Audiencias*) within a clear hierarchy met local resistance and did not achieve full success. Colonial court records are full of cases in which officials challenged the jurisdiction and authority of their colleagues. For example, in the city of Coro between 1800 and 1806, the *Comandante General* and the *Intendente Subdelegado* engaged in a protracted struggle for dominance that demonstrated the ambiguity and rivalry that could exist within colonial administration. The archives contain no less than five trials in which these two sued each other to establish dominance, clarify who had jurisdiction in a specific field of administration, and charged the other with insults to honor.[37] Within the *Audiencia* in Caracas, we find bitter competition among scribes and notaries over questions of seniority, jurisdiction of office, proper bureaucratic procedure, and honor.[38]

The republican government attempted to eliminate this sort of internal confusion and competition by establishing a clearer list of official responsibilities, duties, and rank. The constitutions specifically delineated a separation of powers and the obligations of government officials, and also presented a clear hierarchy of courts, from local to provincial to national levels.[39] Gran Colombia's laws laid out the specific steps judicial officers

should take if they had questions over jurisdiction, and these regulations persisted in Venezuela's first *ley orgánico* as an independent republic, the 1836 *Código de procedimiento judicial*.[40] Fights over jurisdiction rarely appear in the republican court records. Looking through the ANH database, we find that over a 25-year period (1786–1810), there were 57 colonial cases that scribes specifically described as questions of jurisdiction (*competencia*). In contrast, the AGN's *Índice* shows that in a 25-year period under the republic (1822–1846), only four cases specify *competencia* as the focus of the case.[41] Even colonial cases that did not list *competencia* as the subject could often include a struggle over jurisdiction between two officials, such that a third official might have to intervene to decide who had authority. Of 131 republican court cases reviewed, none included this sort of rivalry.

Republican officials periodically had questions over matters of procedure, but such questions tended to be resolved quickly and smoothly. For instance, in 1834 a governor wrote to the Ministry of the Interior to verify whether a *juez de letras* had jurisdiction over a particular case. The Ministry referred to the *Ley orgánica de tribunales* to clarify that the judge had jurisdiction.[42] In 1850, a question came to the *Corte Superior* concerning a *juez de paz* and a *juez de primera instancia*, both of whom claimed jurisdiction in a case involving water rights. The *Corte Superior* promptly decided that the water was private property, not public domain, and therefore was under the jurisdiction of the *juez de primera instancia*.[43] Though these cases indicated that government officials could be ignorant of all the proper steps in a legal matter, they also show that existing procedural guidelines could quickly resolve questions of jurisdiction.

The drop in competition among officials may have more than one explanation. The legislated hierarchy, duties, and procedures established a far clearer set of guidelines than had existed previously, and the central government possessed the power to enforce this hierarchy. At the same time, officials may have had less motivation to fight for more responsibility and jurisdiction. Under the colonial system, government posts could bring profit, privilege, status, and honor. Under the republic, government service offered far fewer tangible benefits; officials were legally equal to other citizens, could not practice nepotism, and could not gain materially from their post beyond their salary. Further, the government frequently could not pay a steady salary to its civil servants, and the archives of the Ministry of the Interior and Justice are full of their complaints. As a result, holding a position became a duty, not a privilege. Competition between officials may have dropped after independence due to clearer written guidelines,

but also because the administrators had less incentive to protect or expand their jurisdiction.

Transparency

In 1798, Felipe Rodil formally petitioned to resign his post as a notary in the *Audiencia*. The *Regente* of the *Audiencia*, Antonio Quintana, refused the request, stating that the timing of the resignation was inconvenient. Rodil sought the support of the Captain Governor of Venezuela, who wrote a letter to the king that accused Quintana of a number of improprieties and recommended that he be recused from this matter with Rodil. Despite this intervention, Quintana eventually succeeded in blocking Rodil's resignation. In order to protect himself, the *Regente* then hid all of the case's documentation, including a copy of the damaging letter from the Captain Governor, in the Royal *Audiencia*'s Secret Archive.[44]

The ability to hide court case documents was a legal technique that colonial judges could employ at their discretion. If a judge considered a case to be inflammatory and dangerous to social stability, he could put the documents into the court's archive or safe so that nobody could access them. Hiding documents held tremendous legal and symbolic importance. As historian Tamar Herzog explains, "Documents were treated not only as texts but also as objects. Their physical and material possession permitted a judge to control the judicial proceeding . . . it was more important to have the trial documents than the criminal. The trial could continue in the absence of the accused, but it was completely paralyzed if the file had disappeared."[45] The practice of hiding documents, therefore, was a powerful act of controlling legal reality.

Documents held a commanding importance in the justice system, and hiding the documentary evidence of an event could, in a legal and formal sense, establish that the event had not occurred. In Coro in 1801, Juan Iturbe, a treasury official, charged Agustín de Anza, also from the treasury, and Andrés Boggiero, the *Comandante Militar*, with making false and insulting statements. The Superior Council of the Treasury in Coro not only decided in favor of Iturbe but also decreed that the insulting expressions not be written into the court record because they could somehow damage Iturbe's honor again in the future.[46] Though the Council did not state it directly, the declaration also served another purpose; it allowed the two defendants to go unpunished. If there were no written record of their crime, they could not be penalized, and notably the *expediente* records no form of punishment, not even verbal chastisement. The mechanism of

not writing down the insults, therefore, accomplished several goals: it restored Iturbe's honor by agreeing that the expressions were entirely false; it allowed the Council to avoid punishing two prominent officials, Boggiero and Anza; and it allowed all three men to remain active in government.

Though the practice of hiding or destroying inflammatory documents had obvious utility, it appears to have disappeared after independence. Of the 131 republican court cases read in this study, none makes any mention of hiding documents or testimony. This change probably stemmed from republican ethics, which sought greater transparency in government. The Constitution asserted, "Magistrates, judges, and other functionaries invested with whatever form of authority are agents of the nation, and as such are responsible for their public conduct."[47] To this end, the Gran Colombian government launched its official periodical, *Gaceta de Colombia*, to "complete one of its most important obligations, putting itself in immediate communication from the center to all the people, through means of print."[48] Through their official press, the governments of Gran Colombia and Venezuela published the state budget, new legislation, and government activities. The civilian press picked up this spirit of transparency and published accounts of official misconduct in order to combat corruption.[49] In turn, the type of formal, legitimate cover-up found in the colonial courts appears not to have occurred after independence.

Due Process

THE MEANING OF DUE PROCESS

In 1822, a Caracas constable arrested José Castellano and Manuel González, two Spanish shopkeepers, for ordering their slave to dump the household toilet bucket into a public well. From jail, Castellano and González demanded an immediate acquittal because the arresting constable "proceeded in an uproarious manner, arbitrarily [trampling] the very laws of our sacred Constitution. . . . He did not comply with process, he did not present a warrant from the magistrate for our arrest."[50] The constable, however, insisted that each step taken had been appropriate and maintained that "the event [the arrest] that began this process had no origin other than the faithful discharge of my duties." The presiding judge agreed and ordered the defendants to pay a fine. The fact that this case occurred just one year after republicans had retaken Caracas, and while they still fought royalist forces on the coast, may have affected the judge's decision against the two Spaniards. Nonetheless, what is significant to this study is the fact that so soon after independence, defendants used constitutional precepts to formulate a defense based on a right to certain legal

procedures. The very basis of their defense marked a significant change from colonial standards.

The premise of these legal arguments relied on what today we would call "due process" (*debido proceso*), which refers to a criminal defendant's rights to specific legal processes that must be upheld for judicial action to be taken against him.[51] The history of due process in Latin America remains largely unwritten, perhaps because it has not become a force until fairly recently. Such rights existed in the common law tradition of the Anglo world since the Middle Ages[52] and entered Latin American constitutions and jurisprudence after independence. Despite these early constitutional experiments, scholars typically assume that due process did not gain strength as a functional part of Latin American legal practice until the late twentieth century. Nevertheless, court documents from Venezuela show that defendants successfully used due process as a viable defense through the 1820s–1840s. Defendants did not use the term *debido proceso*, but instead referred to violations of their *derechos constitucionales* (constitutional rights) in defense arguments that were strikingly similar to a contemporary understanding of due process.

DUE PROCESS IN PRACTICE

Colonial courts went through typical routines and practices in their pursuit of justice, but did not have a notion of "due process" as found in the common law tradition.[53] Early modern Hispanic courts had regular stages of a court case: the complaint, the testimony of the plaintiff and witnesses, arresting the defendant, taking new testimony, and so on. However, the courts were not legally bound to adhere to those routines, and the defendant had no right to them. The auxiliary staff (clerks, notaries, procurators), not the judges, managed these stages. The courts did not regard the technical rules of procedure as a legal issue but rather as an administrative concern; they were a secondary matter, not fundamental to a defendant's rights. Irregular procedure by authorities, therefore, would not be justification to release a guilty defendant. Indeed, colonial judges had wide authority in determining the process and outcome of a case because their principal concern was justice, not legislated rules. "Justice was thus separated from its actual application. Judicial process was one thing. A just solution was another."[54]

With independence, the Spanish American republics considered a number of options for altering procedural codes. As mentioned in chapter 2, Spanish Americans continued the Bourbon process of codifying legislation and also took great inspiration from the Napoleonic Code of 1804, with its rational order and clear procedures. They also considered adopt-

ing some traits from the common law tradition, including due process, juries, and the "adversarial" public trial.[55] However, due to the political instability of the early republican period, elites abandoned these common law innovations as they seemed ill suited to local culture.[56] Further, Latin American republics did not fully revise their civil and penal codes until the 1860s–1880s. The innovations of the early constitutions, therefore, were often out of synch with the codebooks, which relied in large part on colonial legislation. Scholars, therefore, have assumed that due process remained in embryonic form throughout the nineteenth century and did not become the basis of a powerful legal defense until the late twentieth century.[57]

While the Venezuelan republic remained squarely within the civil law tradition, it also adopted the common law feature of due process. Both the 1821 Gran Colombian Constitution (Articles 157–175) and the 1830 Venezuelan Constitution (Articles 195–208) listed numerous articles that laid out a defendant's rights and the steps required of the judiciary. Perhaps the most basic of these rights read, "No Venezuelan can be judged, much less punished, except in virtue of a law that existed before the crime, or action, and after having been legally cited, heard, and convicted."[58] The following are a few of the other rights: officers needed to have a warrant to arrest a person unless he was in the midst of the crime; authorities had to inform a prisoner of the charges and the evidence against him within two to three days of his arrest; the defendant could communicate with people outside the jail; torture, cruel punishment, and confiscation of property were all forbidden; and neither suspects nor witnesses could be forced to give testimony against themselves or family members. Law codes laid out numerous precise procedural guidelines on such subjects as when evidence should be gathered or under what circumstances a witness's evidence could be rejected, and also established that judges had to uphold "the laws that regulate process in civil and criminal cases."[59]

These guidelines were not merely superficial pronouncements—Venezuelans promptly used these rights in legal defenses, and the courts reduced punishment if the authorities had committed technical errors. In 1826 in Caracas, Juan Pablo Minalla protested his arrest by an alcalde on procedural grounds. Minalla claimed that the alcalde violated Articles 161, 162, and 166 of the Constitution: "I was brought to the jail without having seen a warrant from the authorities . . . [or] given a copy." Further, the jail warden also never saw a warrant for arrest but still put Minalla into prison for six days, though legally he could do so in the absence of a warrant for only three days.[60] The presiding judge passed the case to a *juez*

letrado because the law gave "*jueces letrados* the authority to investigate . . . bad conduct in the exercise of judicial functions by municipal alcaldes," and he enjoined the *juez letrado* to "ensure that [Minalla] gets full use of his rights."[61]

We see a similar situation in 1832 in the town of Agua Larga (Coro Province), when José Gómez complained about the "*procedimiento arbitrario*" (arbitrary procedure) of the *juez primera de paz*. Gómez admitted that he had committed a crime—he had argued in public with a married woman, so he could be charged with lack of public decency or with public excess. However, the judge had him imprisoned for five days, then ordered him to leave the town and never to return, which well exceeded the punishment for a charge of public indecency. The heart of his complaint, however, focused not on the appropriateness of the charge but rather on the failure of proper procedure. Citing several articles from the Constitution and *Ley orgánica*, Gómez protested that the judge had arbitrarily imprisoned him for six days, did not let him defend himself, and did not let him see the warrant for his arrest.[62] Unfortunately, both Gómez's and Minalla's *expedientes* end before we see the final decision. Nonetheless, they both present a defense that had legal traction based on a very technical notion of justice. The measure of justice in these cases did not stem from broadly construed or unwritten social values, nor was it based solely on whether the defendant was guilty of the crime. Rather, justice in part required that authorities follow precise written procedures.

While some *expedientes* end before the judge made a concluding decision, among complete *expedientes* we see that such defense arguments could affect a final judgment. For example, in 1834, a judge confiscated a defendant's property, and the defendant successfully challenged this action based on procedure. Bacilio Requena, who lived in the southern Province of Apure, faced charges of libel for a pamphlet he had distributed in Caracas. When Requena failed to pay a bond as a surety that he would go to Caracas to stand trial, a judge in Apure impounded all of his property. Requena went to Caracas, lost the case, and had to publish a retraction and apology for his libelous pamphlet. However, the judge in Apure still refused to release his property, so Requena requested assistance from the alcalde *primero municipal* from Caracas who had overseen the case. Requena asserted, "This action was not legal because the law does not provide for sequestering property in such a case. In these matters, [the law] allows either for a warning or jail." The alcalde agreed with Requena and declared, "this seizure has been illegal," and ordered the Apure judge "to undo this situation and restore to Requena all of his possessions." The

alcalde also recommended that if Requena had any further trouble, he should go to the Superior Court.

In 1844, the Superior Court heard an accusation against a judge for misconduct.[63] A professor of the Central University of Caracas, Dr. José García, served as a witness in a trial before a *juez de primera instancia*, Dr. Isidro Osio. García refused to say the standard oath for witnesses and instead attempted to swear a somewhat altered oath, which drew a stern warning from Osio. When García remained obstinate, Osio fined him fifty pesos. García later charged Judge Osio with misconduct for compelling him to swear the oath, and the matter came before the Superior Court. The Superior Court found that, in general, Osio was correct to attempt to compel García to swear the oath because a witness "should not resist with such tenacity to swear the oath that the law requires." However, some problems in procedure had occurred during the confrontation. The Superior Court noted that the *Código de procedimiento* required that two witnesses testify to a person's disobedience or disrespect in the courtroom before a judge could fine somebody more than ten pesos.[64] García had pointed out that the court *Secretaría* had not been in the courtroom at the time in question but rather was teaching classes at the university. The Superior Court found that, without the *Secretaría* to serve as a witness, Osio could not impose a fine of fifty pesos, "and for this disservice the judge is undoubtedly responsible." Because of this failure in proper procedure, the Superior Court ordered Osio to return the fine to García, and for the two of them to split the court costs.

Significant to this study, the Superior Court judge did not base his decision on an abstract sense of justice or on the question of García's guilt. He believed that García had behaved poorly and disrespectfully when he refused to swear the oath, and that Osio was justified to fine García for creating a "disagreeable and scandalous situation. But, if this is the position of the Corte with respect to the justice of compulsion in general, it does not form the same opinion with regards to a special fine of fifty pesos that [Osio] imposed when for the third time [García] refused to comply with the Tribunal's order." Though García had been wrong, and Osio had been right, Osio had failed in a matter of proper procedure—the law required that he have two witnesses to the event—and legal procedure had to be followed.

Already in the early 1820s, defendants argued that the officers of the legal system had to follow specific legal processes. Judicial decisions validated this defense and treated proper legal process as an integral part of the justice system. The proper procedures, spelled out in legislation, now formed an integral part of a defendant's rights and, therefore, were essential to the execution of justice.

New Standards of Juridical Evidence

In 1805, the *teniente justicia* of San Agustín de Guacara (Carabobo Province), Miguel Villavicencio, charged Nicolás Parra with disrespect for authority. Parra, a shopkeeper, allegedly told a crowd of people in his store that Villavicencio had cheated him and conducted his job poorly. Further, Parra allegedly uttered insulting words against the local tribunal and claimed that there was a lack of real justice in the town. The *teniente justicia* opened an investigation into these offenses in order "to contain this man's unruliness and manner of speaking."[65] Villavicencio gathered testimony from two witnesses who had heard Parra speak ill of the town and the *teniente*, and from another witness who asserted he had heard that Parra was a rebellious and ungovernable person. Villavicencio then gathered statements from other storeowners who testified that Parra had not cooperated with a system of *señas* (chits, used in place of cash) that Villavicencio had introduced. Through this testimony, Villavicencio presented Parra as having a reputation for being unruly and contradicting the will of the town. In light of the evidence provided, Parra was sentenced to spend eight days in jail and to pay court costs plus four pesos. His reputation for disruptive behavior served to augment the weak direct testimony that he had criticized the town's officials and to secure his conviction in a criminal case.

This case exemplifies one of the key elements of judicial evidence in colonial courts, a person's reputation. The *Siete Partidas* codified reputation as fundamentally important to a person's legal standing. Men with *mala fama* (bad reputation) could not serve as witnesses in a trial and could not make accusations against others in court.[66] In the absence of conclusive proof, a judge could use reputation to determine the guilt or innocence of a defendant.[67] Court witnesses or litigants typically presented matters of reputation as "public and notorious" (*público y notorio*), which "was the strongest category of proof." A reputation was "a general public opinion because it included information that theoretically was held by the community as a whole and was therefore true by definition."[68]

This is not to say that colonial court cases relied entirely on reputation or that they eschewed empirical (based on experience) evidence. When Villavicencio wanted to prove that Parra was a disruptive character, he combined the testimony of witnesses who had heard Parra utter offensive words with witnesses who attested to his poor reputation. As another example, in 1798 a scribe and a notary from the *Audiencia* got into a struggle over seniority, and the scribe accused the *Regente* of unfairly favoring the notary. The scribe declared, "the protection that Mérida [the notary]

enjoys from the Señor Regente . . . is publicly known in the Province: everybody knows it . . . [this protective relationship is] notorious and certain and therefore serves as indubitable proof of the grievances I have suffered."[69] The *Regente*, however, responded that the scribe's allegation was based upon "obscure and mysterious expressions," and demanded that the scribe specify "all, and each one of the acts, that he is referring to" before any judgment could be made. As both of these cases demonstrate, compelling courtroom evidence could be both a direct account of a crime or a description of a person's reputation.

With independence, and the attempt to construct a more formalist political-legal system, evidence became increasingly empirical, and thus removed from notions of reputation. The 1836 *Código* reflected this formalist bent with regard to the questions to ask a witness: "Questions . . . will be pertinent to the points that need to be proven and have been argued: do not admit questions that do not relate directly or indirectly to the proceedings of the plaintiff or the plea of the defendant."[70] The provisions in the *Siete Partidas* invited a judge to make inquiries into reputations and, therefore, into subjects apart from a specific crime in question. According to the 1836 statute, however, witnesses should confine their testimony to what they had personally observed in direct relation to the crime. This change did not transpire abruptly, but rather we find cases directly after independence in which litigants still used reputation as a form of evidence. Fairly rapidly, however, reputation became less prevalent.[71] Notably, we see changes in the standards of evidence and witness testimony well before 1836, so that this code appears to reflect changes already underway.

As an example, let us return to the 1823 case from the beginning of this chapter, in which Policarpo Mendo and Lameda Cipriana charged each other with verbal and physical injuries. Each party had witnesses that blamed the other for *injuria*, for which charge Mendo soon found himself in jail. In addition, Cipriana attempted to bolster her case as her witnesses asserted that Mendo had a reputation as a "notorious" royalist who had served in the Spanish army. However, when questioned further, Cipriana and her witnesses admitted that they had never actually seen Mendo say or do anything to support these charges of royalism.[72] The judge in this case, therefore, promptly rejected this argument. He derisively commented that this was "one of those cases that serve only to produce paperwork and waste the time of the Tribunals." He rebuffed the testimony against Mendo: "the witnesses . . . have not known, heard, nor understood Mendo to do anything in support of or opposition to our troops entering the city . . . nonetheless, some add their opinion about support for our cur-

rent system, which carries no weight before the law."[73] The judge dismissed both the charges and countercharges because both parties had provoked each other, and he ordered them to split the court costs.

At this time, some citizens still clearly saw reputation as holding legal weight, though judges did not necessarily share this view. Within just a few years, however, reputation entered into evidence less often, and witnesses increasingly confined their testimony to what they had personally seen and heard. In 1826, the *jefe político* in Caracas charged José Mareno with *palabras ofensivas* (offensive words), based on the testimony of another man's slave, named Pío. According to Pío, Mareno told him that the *jefe político* was disloyal to the current system. When Pío contradicted Mareno, he hit Pío with the broadside of a sword. Mareno, however, denied Pío's account and insisted that the altercation began when Pío insulted the current government. After both men had testified, the alcalde called forth the only other witness to the event, Mareno's wife.[74] She corroborated Mareno's testimony—the altercation had started when Pío said that the *patria* was in danger. She declared that she saw no more and that there were no other witnesses. Like the testimony of Mareno and Pío, her testimony included no statements about character or more general political sentiments.[75]

Even in cases of insulting another's honor (*injuria verbal*), which concerned damage to a person's reputation, testimony would be restricted to the event in question rather than reputation. In 1833 in Coro, Debora Maduro charged Laura Müller with publically insulting her. According to Maduro, as she walked down the street with two slaves, Müller called her a prostitute. Müller denied the accusation, but Maduro had three separate witnesses who reported that Müller had said Maduro was "una puta" or "esta grandísima puta."[76] Again, the testimony on both sides abstained from any discussion of the defendant's general behavior or reputation, but instead focused solely on eyewitness accounts of specific events. Given the weight of these eyewitness accounts, Müller eventually acquiesced and agreed to an arbitrated settlement; she admitted what she had done, apologized, swore she had nothing but respect for Maduro, and covered the court costs. Similarly, in 1838 in Coro, Antonio Rodríguez charged Marcelina, the servant of another man, with *injuria de palabra*. According to Rodríguez, Marcelina came to his house, threatened his wife with a knife, tried to force her way into the house, and uttered "highly injurious words" against the entire family.[77] Witness testimony supported this account, but did not discuss Marcelina's reputation.

On the other hand, for some types of crimes, reputation remained an important feature of court testimony. As we will see in chapters 4 and 5,

reputation factored heavily in cases in which somebody challenged patriarchal values. The courts had different standards for men who failed to uphold the norms of a *padre de familia* and for women who challenged the authority of their patriarch. Specifically, poor men accused of vagabondage, single women with questionable morals, and women who sued their husbands for alimony had to defend themselves against testimony about their reputations.

Far more typical, however, was an 1845 case of homicide. In the streets of La Guaira, Manuel Quintana and Federico Maitin exchanged insults, then threats, then blows, and in the end Maitin lay dead in the street. The judge, in order to determine whether the death was a homicide, reviewed the testimony of several witnesses who described what led up to the fight and the fight itself. The judge noted that the witnesses agreed that the two men had been in each other's company throughout the evening, and that Maitin had started the insults. No witness reported that Quintana ever voiced any intention against the life of Maitin. One witness said that Quintana carried a short whip, but the judge did not consider this a weapon for killing. Given the evidence, the judge determined that "there is no way in which to classify this altercation as an effort at homicide . . . and in consequence the order to hold Quintana in prison is revoked."[78] Notably absent from the witness testimony and the judge's decision was any discussion of the reputation of either Quintana or Maitin—the judge released the defendant based solely on the accounts of the event in question.[79]

Clearly reputation still mattered a great deal in the republic, as honor still commanded vital importance in business, politics, and society. Indeed, Article 189 of the 1830 Constitution formally protected a citizen's honor. In court cases or complaints to the government, people referred to themselves as *padres de familia* (heads of honorable families) and *vecinos honrados* (honorable neighbors). Such titles established a litigant's personal importance in the community, as a person who served a greater good by protecting public morality. These titles, however, did not ensure a legal victory over empirical evidence. These changes may explain why, after independence, poor people were more likely to take rich people to court.[80] Under colonial codes, a *padre de familia* could defend himself simply by showing that the plaintiff had less honor and a bad reputation (*mala fama*), charges that a poor plaintiff would have trouble contradicting. Under the republic, however, such arguments lost their legal weight. In the early 1820s, witnesses still discussed reputation, even if judges had begun to reject such testimony. By the 1830s, for the most part, neither

judges nor witnesses discussed reputation at all. Legal procedure began to make a manifest distinction between a witness's general opinion of a person and what happened at a particular incident. Although we do find some exceptions, most types of cases reflected a clear bias for empirical evidence.

Conclusion

The evolution of Venezuela's court system across the middle period demonstrates that independence catalyzed significant change in the republic's political and legal culture.[81] Although Venezuela did not immediately become the paradigmatic republic that her leaders envisioned, her courts underwent noteworthy adjustments that expressed central pillars of liberal ideology. The effort to adjust courtroom standards had begun in the eighteenth century, as Bourbon Reformers attempted to increase the power of state legislation in the practices of administration and justice. Pushing this effort further, the republic's leaders followed liberal ideals to transform law into a rational collection of rules separate from, and superior to, customs, social relations, opinions, religion, and moral sentiments. Although this effort by no means met every goal, court documents from the 1820s to the 1840s show it succeeded in some key areas. The republican judicial system established a clearer hierarchy among courts and court officers, so that fights over jurisdiction all but disappeared. The courts implemented greater transparency in that they abandoned the practice of legally hiding court documents or testimony. Due process, even if not referred to in name, became a solid right of defendants, and the violation of this right could serve as a viable defense. Finally, courtroom evidence became based far more on empiricism rather than reputation.

Additionally, despite assumptions to the contrary, Venezuelan courts remained in considerable use throughout the independence war and the early republic. Though use of the courts dropped during years of intense violence or instability, the quantitative evidence shows that republicans continued to use the courts as their colonial forebears had. This fact alone suggests that the judicial system retained legitimacy in the eyes of the populace across this period, even as the government underwent dramatic transformations toward liberal republicanism.

CHAPTER FOUR

"Patrimony of the Soul"

Honor in the Liberal Republic

There are two sets of laws, those of honor and those of justice, in many matters quite opposed.

—MICHEL DE MONTAIGNE, *THE ESSAYS*, BOOK 1, CHAPTER 23

Mine honor is my life; both grow in one; Take honor from me, and my life is done.

—WILLIAM SHAKESPEARE, *RICHARD II*

My only treasure is my reputation.

—SIMÓN BOLÍVAR, 1824

In 1822, Miguel Arias sat in a Caracas jail cell for having insulted and hit a fellow Venezuelan. He swore that his opponent had insulted him first and that his insults and punches were not criminal acts but rather in self-defense. Arias rejected a settlement offered by the plaintiff because he would have to admit guilt, which would offend his honor: "his offer has hurt my honor, which is the only patrimony of the soul, and the only wealth that a good man always has with him."[1] This statement encapsulated both the importance that honor held and why it was such a problematic phenomenon for an emerging republic.

Arias's description of honor echoed the literary tradition of Pedro Calderón de La Barca, one of the most renowned playwrights from Spain's literary Golden Age in the seventeenth century. At the end of the first act in Calderón's play, *El Alcalde de Zalamea* (1651), Crespo, a farmer and commoner, stated that he would kill any soldier that insulted him. An aristocratic general retorted that such an attitude indicated a lack of allegiance to the king and his servants. Crespo, however, convinced the general of his position when he explained that he was bound to grant all of his

property to the king, but the king had no claim to even a commoner's honor. He explained, "honor is the patrimony of the soul, and the soul belongs only to God."[2] Honor was connected not only to reputation and social standing in this lifetime, but also to an inheritance to one's children; it was a heritage and a legacy. Honor was also integral to one's relationship with God Himself. As such, it marked a part of the Spanish subject's being that was beyond the reach of even the king. Throughout the play *El Alcalde*, people successfully bent, broke, and ignored the king's law if obedience would damage their honor.

Whether Miguel Arias had actually read Calderón de la Barca remains unclear. Nonetheless, his words from the jail cell evoked a tradition that regarded honor as an unwritten code that ran parallel to the legal system and was beyond the legitimate reach of the state. Under the republic, however, there was supposed to be a unitary legal system that derived from the will of the people, applied to all citizens equally, and superseded any local laws, customs, or traditions. Unlike the fictional Crespo, Miguel Arias enjoyed constitutional rights that protected his property against the state. Presumably, that same Constitution also regulated Arias's honor. Arias, however, placed his honor in the religious plane, beyond the reach of the law and, therefore, of the republic. Such a position challenged not only the concept of the unitary law but also that of the sovereign state—a state can hardly be sovereign if matters of honor supersede its authority.

This chapter examines the evolving nature of honor across the middle period as a component of the relationship between the individual, society, the government, and new conceptions of law. Many of the core features of honor remained consistent across this period even as both the colonial and the republican regimes sought to alter the social code. Among its most resilient features, honor remained firmly attached to patriarchy, such that men and women who failed to uphold patriarchal values lost honor and legal rights. At the same time, the Bourbons attempted to increase economic productivity and military strength through, in part, offering nonelites greater access to honor. Independence then catalyzed a dramatic acceleration and alteration of these policies. The republic democratized honor as it promoted individual merit, established legal equality, abolished inherited status in the forms of racial and estate hierarchies, and declared that all citizens possessed honor. The new order also described honor as a natural right; similar to the rights of life and property, honor now connected to liberal notions of an individual's inalienable right against governmental intrusion, based not on tradition or religion but on the formation of a modern private sphere. The independent regime

further made honor intrinsically connected to economic industriousness, as it modeled the new citizen on *homo economicus*, one who should value economic self-interest as well as rationality, order, social mobility, and respect for the law.

Honor, then, held a particularly complicated role in the formation of the liberal republic because it came to represent both the antithesis and the ideal of the liberal system. Traditionally, the culture of honor stood apart from and obstructed the implementation of a unitary law. Republican elites, however, hoped to integrate some features of honor into the essence of citizenship. Ideally honor would not contradict the unitary law or the sovereignty of the state, but rather would be an integral component of both.

Most of the evidence for this chapter comes from court documents combined with some published commentary by elites on the subject. These documents offer insight into the honor of people across the socioeconomic strata as litigation in a variety of civil and criminal matters involved honor in one way or another. Challenges to honor frequently involved questions of status—who could insult whom and who could disrespect whom. Most challenges assuredly were resolved through an argument, a fight, or negotiation. If, however, these means did not suffice, the courts served as a location that allowed mediation over whose version of events was accurate, whose rights actually had been trampled, and who had overstepped his or her bounds.

Honor Across the Middle Period

Honor as the Self and as Social Order

THE COLONIAL CONTEXT

The topic of honor eludes pithy, precise definitions because it is an unwritten code that reflects a culture's morals, ethics, religious values, and standards of justice, which are ever changing. As such, honor is intangible but also critical to how a society operates and how individuals see their relationship to society and to worldly and divine authority. The rules and meaning of honor vary depending on location and time period, as well as a person's age, gender, occupation, and status. As J. M. Briceño Guerrero wrote of honor in colonial Venezuela: "The laws that minutely govern the sensory perception of reality. . . . The unwritten laws—for the most part neither verbalized nor conscious—tend to conserve themselves and tend

to change. . . . The whites: Honor. The *pardos*: a ladder of shame. Written laws to conserve the system. Unwritten laws to constitute it."[3]

Honor determined and reflected a person's reputation and place in society. Honor was, in a sense, a person's very essence. As Ann Twinam wrote, "even though honor was not a physical entity, colonial elites conceived of it as tangible—perhaps more like intelligence than eye color—but nonetheless something that under proper circumstances they might unmistakably pass on to their children."[4] In a world in which you were what others perceived you to be, honor characterized your most fundamental self. For this reason, Calderón de la Barca and Miguel Arias associated honor so closely with the soul—the two were intimately connected.

A person's honor derived from the perceptions of others and was inextricably attached to and bound by social status. Colonial honor had two components: (1) *Honor,* or status, which was inherited and consisted of factors such as race and family status. At times *honor* could be purchased, but it was hard to change and typically remained consistent throughout a person's lifetime. (2) *Honra*, which was tied to conduct, was revealed through traits such as courage, virginity, honesty, occupation, wealth, religious piety, and generosity. Unlike *honor,* a person's *honra* could change quickly. These two components were not entirely distinct—an aristocrat was expected to conduct and adorn himself in a manner appropriate to his status. Thus an aristocrat who behaved as a commoner, by dressing like a fisherman or working for a wage, damaged his *honra* and risked calling his *honor* into question.[5]

Colonial honor undergirded the estate and racial caste system and affected not only a person's social standing but also his legal rights and professional options. Through the legal premise of *patria potestad*, which dated back to Roman law, patriarchs had authority over all dependents and property within the household. At the top of Venezuela's male hierarchy stood the *padres de familia*, the patriarchs of prestigious white families who claimed aristocratic lineage and were guardians of the social order (see chapter 1). As such, they provided for and protected their dependents, oversaw their moral conduct, provided for their education when appropriate, and had the right to use violence to ensure that they behaved correctly. They populated the *cabildos* and administrative posts and used their social connections to dominate trade networks. In contrast, commoners, nonwhites, and bastards could not serve in high official posts. Family honor strongly determined an individual's professional opportunities and also curtailed marital options, as people typically chose spouses of status comparable to their own.

The state reinforced these hierarchies as part of its obligation to maintain tradition and social harmony. Colonial laws prohibited *pardos* from serving as administrative officials, from entering the university, and from becoming clergy.[6] In a court of law, honor determined the weight of a witness's testimony—his social rank as well as his public reputation affected whether his word could effectively contradict opposing testimony, and whether he could give testimony at all. The Venezuelan Church also enforced these social hierarchies, beyond limiting the populations that could enter the ranks of the clergy. Church officials typically handled the sins of the elite with subtlety and discretion; this tact not only recognized the honor of the elite sinner, but also protected his or her family honor, which was necessary in order to preserve one's role as a community leader. In contrast, when dealing with poor sinners, Church officials meted out more severe punishments and used less discretion. From the Church's perspective, the poor did not have honor to protect, and a more visible punishment served the community as a public example.[7]

The honor system was highly competitive, and therefore upheld with it a constant threat of violence. A person's honor was always viewed as relative to that of others; one could ascend in rank by gaining honor or by having others lose their honor. Conversely, if your competitor gained honor, you suffered a relative loss in your own position in the sociopolitical hierarchy.[8] A challenge to honor, such as a public insult, would require the insulted party to defend himself. The willingness to defend one's honor was in itself an important ingredient of honor. If a husband did not challenge an insult to his wife, not only could the insult then be repeated and publicly believed, but also his courage would be called into question. Thus lawsuits (more associated with elites) and unceremonious brawls (more associated with plebeians) were essential factors in the culture of honor.

Further, the honor of an individual and the honor of his group were thoroughly interrelated, as honor was simultaneously deeply personal and communal. Individuals gained much of their reputation and identity from the groups to which they belonged, such as a family, guild, fraternal organization, village, and so forth. These groups, in turn, gained their standing from the reputation of their individual members, such that the honor of the group and its constituent members were interdependent.[9] An insult against the honor of a group member was an aspersion against the honor of the entire group, and vice versa. For example, the behavior of a daughter affected her entire family, and each family member had to protect her reputation. The conduct of a blacksmith could affect the honor of all the

blacksmiths in a town, and therefore each was accountable to the others in his guild.

In this system in which social hierarchies and political power were intimately linked, honor served as one of the principal currencies of social and political authority. Honor was integrally related to estate and racial differentiation, as legally only the aristocracy possessed honor and, under the *sistema de castas*, only whites possessed honor. Throughout Spanish America, nonaristocrats clearly possessed a sense of honor, though officially and legally elites did not recognize plebeian honor.[10] Nonaristocrats and nonwhites at all levels of colonial society differentiated themselves and competed for status and respect in a manner parallel to the elites' system of honor. Gender roles also depended heavily upon honor as men maintained control of the domestic realm and were responsible for protecting the honor of the women in their household.[11]

For all of these reasons, the increased social fluidity in Venezuela during the last decades of the colonial period caused considerable tension (see chapter 1). White privilege relied in large part on the accepted inferiority of nonwhites. As *pardos* entered more professions, became wealthier, led militias, and changed racial status, whites had reason to object. At times, *pardos* even claimed that they demonstrated more honorable conduct than did whites; for instance, in public arguments or in court cases, *pardos* claimed that whites were lazy, failed to show proper respect to people, or failed to behave properly in church. Most of these examples were merely exchanges of words, but sometimes they resulted in violence between people of different racial groups.[12] When *pardos* asserted that they had a right to improve their status and to be judged by their accomplishments, when they argued that there had been only one Adam and therefore all people had the same potential, they challenged the privileges that granted elite whites their social, economic, and political clout.[13]

THE REPUBLICAN CONTEXT

Under the republic, the exact nature of honor remained elusive in part because, while the sources mention it constantly, they never define it. Reflecting Enlightenment habits, Venezuelan writers expended rivers of ink to explain the key sociopolitical ideas of the day, such as liberty, nation, democracy, republic, free markets, religion, and equality. Honor, however, never made this list. Editors, politicians, and litigants generously sprinkled "honor" throughout their written pages, but they never bothered to describe it. Honor was not a social or political institution, which would merit intellectual investigation. Rather, honor was such a

natural, organic feature of the human condition that it did not merit explanation or description.[14] Venezuelans eschewed the old regime's system of caste and aristocratic privilege and sought to make enormous changes to their political and economic institutions, social relations, state–Church relations, and the institution of slavery. At the same time, they steadfastly upheld the honor code and the steep social hierarchy that accompanied it.

Although we see solid continuity in the nature of honor across the middle period, independence effected several notable changes, and these factors require some preliminary discussion. Under the republic, honor remained a foundational set of norms that undergirded basic notions of justice, propriety, and the social order. Significantly, however, the republican government abolished the aristocratic and racial caste system. Liberals hoped to cherry-pick the constellation of values associated with honor, so that privilege and status would no longer be inherited but would come, presumably, from individual merit.

Honor, therefore, became intimately tied to the liberal project and was essential to notions of citizenship. Venezuela's elites hoped that, by destroying the old regime, their countrymen would find a new meaning of honor. As Bolívar said during his speech at Angostura in 1819: "The habit of domination makes men insensible to the enchantments of honor and national prosperity, and they look with indolence upon the glory of living in the fullness of liberty, beneath the protection of their own laws."[15] The elites expected that, with independence, they would amend the ills caused by Spanish dominion and honor would then be one of several melded republican qualities that included freedom, the supremacy of law, and equality among citizens. This phenomenon was in no way exclusive to Venezuela; the diffusion of honor among all society, rather than being a private privilege of the upper class, occurred throughout the Atlantic world in the nineteenth century as a part of the spread of nationalism and democracy.[16] As happened elsewhere, the Venezuelan government mingled new and traditional ideas, discarding those elements of honor directly linked to racial and feudal orders but keeping those features related to character, loyalty, and individual status.

The most essential features of colonial honor persisted, as it remained associated both with status and with a person's essence or being. As during colonial times, republican honor was not a physical entity but still was closely tied to the corporeal self and often was more important than life or possessions. As Simón Bolívar wrote to Vice President Francisco de Paula Santander in January 1824, "My only treasure is my reputation." Across the middle period, honor disputes within the courts did not distinguish

between physical assault and emotional abuse but rather treated them as categories of assault. An offense to honor would be classified by court notaries as *injuria* (injury), or perhaps *atropellamiento* (insult, an affront, or a physical assault). Sometimes the court scribe's index differentiated a verbal assault (*injuria verbal*) from a physical assault (*injuria de hecho* or *injuria real*), but typically it did not and simply listed the crime as *injuria*. This classification was in harmony with the *Siete Partidas*, which considered verbal insult and physical assault as two forms of the same crime: dishonoring another.[17]

In *injuria* cases, the witnesses, attorneys, and judges did not discuss verbal and physical abuse as discreet categories, nor did sentencing recognize more than one offense. Witnesses, of course, distinguished between insults and punches, but they discussed verbal and physical *injuria* as different components of one infraction—damaging the body and/or honor of another person. A judge might give a tougher sentence if a defendant had committed both verbal and physical injury than if the defendant had committed only a verbal offense. But a judge would also give a tougher sentence if the defendant had committed verbal injury on numerous occasions or had insulted the plaintiff in front of several witnesses. The focus of the case concerned damage done to rights and reputation, so tougher sentencing reflected the degree of a crime—not that physical and verbal *injuria* were separate crimes. As an example, in 1835 Tomás Mora was charged with cutting Josefa Cataneo with a knife, smashing her head against a wall, and calling her a number of bad names.[18] The charge against Mora was simply "*injuria*," and notably the witnesses spent as much or more time describing his offensive language as the wounds he inflicted. Under the republic, then, honor continued to represent a person's corporeal and noncorporeal self, and therefore deserved legal protection just as life and property did.

Further, as under the colonial regime, the republican political and legal system reinforced the honor code and supported a patriarchal society stratified by gender and property. Slavery persisted until 1854. Women could neither vote nor bring forth their own court cases; they were dependent on a male protector to open a trial for them.[19] All free men had the same legal rights, but property owners enjoyed special political rights; that is, they could vote and run for office. Colonial legal codes remained in place to protect patriarchal power within the household and to protect the authority of *padres de familia* to maintain social order within their communities. Whereas colonial *padres de familia* came from the aristocracy, under the republic any property-owning male with a family could claim that title. So while the necessary qualifications to be a community leader

or sit on a *cabildo* had expanded considerably, the basic rules of patriarchal domination remained in place. The political system thus recapitulated some elements of colonial honor in that civilians enjoyed disparate political and legal rights, and these rights derived not exclusively from merit but also from inherited traits or the caprice of fortune. Further, the government did not completely replace the colonial laws until the publication of the new Civil Code of 1873. Until 1873, colonial laws that supported the traditional honor code remained in place.[20]

On the other hand, amid all this continuity, the war for independence caused several significant changes. The independence movement gained the support of the *pardos* by promising to abolish racial divisions and establish legal equality. Additionally, the wars altered Venezuela's social landscape as creoles suffered terrible losses, and some *pardos* gained wealth and prestige through military exploits. The war altered social structures and expectations in ways that could not simply be reversed. The republicans then concretized these changes into policy and law. The 1821 Constitution declared all Colombians to be equal (Article 3), defined "Colombians" in terms of residence and loyalty rather than race or inherited status (Article 4), and eradicated all aristocratic status and privilege (Article 181). A man's birth status could no longer limit his professional aspirations.[21] Further, the constitutions officially recognized that all people could have honor and promised that the state would protect it, as all citizens could seek redress in court "for the injuries and damages that they suffer to their persons, property, honor, and estimation."[22] Officially, then, all law-abiding free citizens had honor and legal equality, and men had untrammeled professional opportunity.

Significantly, then, honor merited governmental protection as it became associated with the natural rights of life and property. This association existed not only in the Constitution but also within wider discourse. In 1825, Miguel Peña defended himself before the Senate in Bogotá in a manner that closely associated honor with natural rights. Peña, a Venezuelan, was the president of the Gran Colombian Supreme Court, but he now faced an impeachment hearing on charges that he had inappropriately refused to enforce the death penalty against a fellow Venezuelan. The sensationalist case attracted considerable attention in the press throughout Nueva Granada and Venezuela. During his testimony before the Senate, Peña explained at considerable length the damage done to his honor by this trial, which not only questioned his competence but also had created a public scandal. Peña made clear from the outset that he addressed the Senate "solely and exclusively to defend" his honor.

Peña described his efforts as an attempt to defend "the work of my continuous actions and anxieties since my earliest years: my honor and reputation, which have not been given to me by my *patria*, and of which I have ceded no part to society, but rather I have put them beneath its protective laws to preserve them."[23] Regrettably for Peña, the republic had now destroyed the very honor it was supposed to protect. His language directly paralleled contractarian conceptions of natural rights; society did not grant the citizen these rights, but rather he was born with them, and the citizen entered the social contract so that society would protect them. Peña described the transfer as though he personally had made a rational choice to forfeit some control over his honor in order to gain the protections of society. His honor, therefore, was an element of the contract that existed between him, society, and the state.[24]

During that same year, Tómas Lander described honor in similar terms. Lander was a Venezuelan intellectual, newspaper editor, and politician who in 1825 published "*Manual del Colombiano o Explicación de la Ley Natural*" as an instructive booklet on forming a liberal, just, and enlightened polity. At the end of this booklet, he presented a familiar Enlightenment narrative of the evolution of solitary man in the state of nature to the formation of society and the social contract. Though man had enjoyed more absolute freedom in the state of nature, only in society could man find sufficient security to enjoy his freedom and to progress: "Society secures for the individuals that compose it the enjoyment of their life, liberty, property, and other natural rights . . . but without virtues there is no liberty, and without liberty there is no greatness of the soul, or honor, or love of the public good."[25] Lander followed in the tradition of previous contractarians (Hobbes, Locke, Montesquieu, and Rousseau) but added the component of honor to the contract. Honor entered the list of mutually necessary features within the republic: liberty, virtue, love of the public good, and honor all must exist within the republic, or the citizens will lose all of them. Honor protected liberty just as liberty guaranteed honor.

So, republican honor can be understood in at least three iterations. The first, as described earlier, was a system of norms that was distinct from, and at times contrary to, legislated laws. The second was a legacy of colonial law that ensured legal inequality and gave propertied men dominion over their dependents. The third was a set of norms protected by recent legislation (including the Constitution) that guaranteed equality and treated honor as an inalienable right, similar to the natural rights of property and life. Given these many iterations, which at times contradicted each other, it is not surprising that the relationship between honor and

law was a very challenging dynamic for the republicans. This chapter will now turn to an examination of the evolution of honor as revealed through court documents across the middle period, in order to reveal to illuminate how honor functioned on a daily basis.

Self-Control, Respect for Authority, and Following Laws

Across the middle period, honor required social decorum and respect for proper social and political hierarchies. In turn, laws surrounding honor treated respect for proper social norms and for the political system interchangeably. Honor can be understood as a right to respect and, therefore, honorable people could expect respect from others. Honor can also be understood as the ability to treat others appropriately, and consequently, proper behavior was a mark of honor. If you treated another person with inappropriate disrespect, such behavior indicated that you lacked honor. As a modern public/private divide did not exist, social hierarchies and political hierarchies shared common ground and often were indistinguishable. *Padres de familia* and *vecinos honrados* might not hold a governmental office in a town, but they were honorable people who upheld community morals, respect for authority, and hierarchies. People who failed to show proper respect revealed a lack of honor and, therefore, posed a threat to the entire political-social order.

In 1804, Claudia María González went to the *Audiencia* to seek protection from the *Cabo de Justicia* (officer of justice) in the town of San Casimiro de Guiripa, whom she accused of insulting her. She was an indigenous woman, and she went the *cabo*'s house to visit her husband, who was imprisoned for debt. According to her testimony, the *cabo* accused her of shameful conduct (*oprobios*). She "suffered patiently" through this outrage, then retired to her home. However, the *cabo* followed her there, took her back to his house, and put her in a pillory for public humiliation. As if these "*insultos indecorosos*" were not enough, the *cabo* then removed the roof tiles from her house and sold them in order to resolve her husband's debt, so that she could not live with the privacy needed to uphold her modesty. Utterly shamed, she requested an investigation. This case reflected a typical formula for insult and honor cases: the *cabo* accused González of shameful conduct; González responded that she was not shameful but, instead, it was the *cabo* who had behaved incorrectly by shaming her. She amplified the accusation by stating that the *cabo* was part of a network of rural officials who behaved arbitrarily and without integrity, and she therefore could not expect justice from her local officers.[26]

In such cases, the litigants would accuse each other of inappropriate, disrespectful behavior that had caused shame or dishonor, and that threatened proper governance.

This formula persisted in the first years after independence, though the symbolic terms associated with proper behavior had become republican. Rather than allude to religion or the king to defend their honor, republican litigants referred to the Constitution and their legal rights. Also, both elite and nonelite litigants could now describe themselves as honorable citizens. Nonetheless, the basic formula remained very similar to colonial arguments, as honorable behavior required conducting oneself in an upright, orderly manner that maintained both the political and the social order.

Soon after independence, plaintiffs frequently accused defendants both of saying a public insult and of being a traitor (*godo*),[27] thereby blending accusations of social impropriety and political disloyalty. Further, civilians that insulted or showed disrespect to a government official could be charged with disrespecting the entire governmental system. For example, in 1823, in the town of El Valle, José León, a muleteer was thrown in jail for words he had said about the town alcalde. He had not insulted the alcalde to his face, but six witnesses had heard him say that he would physically attack the alcalde or that he would insult him publically. The charge of injuria then became heightened by the alcalde's insistence that León had insulted both the alcalde and "the authority that he represents," and thereby had disrespected the entire government.[28] Though León insisted that he did not seriously threaten the alcalde and that he made no "subversive statements against our government," the judge condemned León to a month in jail.

The case that began this chapter, in which José Torres accused Miguel Arias of *atropellamiento*, is exemplary of many elements of honor cases. In 1822, Lieutenant Arias went to the house of José Torres to collect money that Torres owed him.[29] According to Torres and his witnesses, the lieutenant insulted Torres, Torres then hit Arias, the two grabbed knives, and Arias left the house before further injuries resulted. Torres insisted that "this audacious, insolent man, who has committed a crime against a house and person and against my good reputation, receive a fitting punishment, which all laws and principally those of the Republic impose on those that assault the sacred rights of citizens."[30] This wounded man saw his honor not only as sacred (one of his *sagrados derechos*) but also as integral to his relationship with the state, as one of the many citizenship rights the state was bound to protect. From his jail cell, Arias attempted to launch a defense but apparently could find no witnesses to support his

testimony that he had acted in self-defense. He explained that he had been forced to defend his honor because, when he requested payment of the debt, Torres had insulted Arias in a manner that would have "chafed the anger of a less hostile man." Torres dismissed this chronology of events and looked to "the public authority to remedy this offence against a person in society."[31]

The position of each man illustrated typical sensibilities surrounding a slight to honor and the need to protect honor, even if doing so violated the law. The charges against the defendant concerned being uncontrolled, ungovernable, and disrespectful to legal and social conventions in a manner that hurt another person. To accuse another of being disrespectful of legal and social norms was to say that he was not worthy of respect, and by definition was not honorable.

As an example with particularly republican elements, in 1830 Jesús de Galíndez brought charges against the priest Domingo Paláez in the court of the archdiocese for an insult to honor. Galíndez alleged that the priest spoke to him disrespectfully and kicked him out of church in front of the entire town simply for taking his seat after consuming the sacrifice (the communal wafer). The public nature of the insult compounded its severity, because it lowered the esteem of the insulted party in the eyes of the community. As if that were not enough, Father Paláez truly became a "wolf devouring his own sheep" when he called a magistrate, a state official, to remove Galíndez from the church forcibly. Galíndez insisted this would have been an "intolerable abuse" even in the Dark Ages, and that it was an affront not only to him but also to the division between ecclesiastical and secular realms. He called upon the archdiocese to punish the priest for stepping outside the bounds of decorum and law in a manner that publicly humiliated a layman.[32] This case fit a larger pattern of a person's honor being damaged by what he considered an unjust or exaggerated accusation of breaking social and political rules (e.g., being called a liar, whore, or thief). At the same time, it entailed a distinctly postindependence twist, in that the plaintiff demanded a clear separation of Church and state authorities.

Honor, Truth, and Credibility

The legal question of *injuria* generally centered on contradictory claims by the accuser(s) and the defendant(s). Unless a party had reliable supporting witnesses, the potency of his word could be very dependent on his honor. Honorable people were credible whereas dishonorable people

were not, so the strength of a party's word had everything to do with his honor status in comparison to that of his legal opponent. One reason litigants took the trials so seriously was that their adversary disputed their description of events (i.e., their word) and therefore challenged their honor. An insulted woman sought not only restitution for the injury she had suffered, but also validation that she told the correct version of events and that her word was reliable. An uncontested insult would diminish her honor, her reputation, and the significance of her opinion.

As Kenneth Greenberg expressed in his study of honor in the antebellum US South, "The central issue of concern to men of such a culture is not the nature of some underlying reality but the appearance of their projections." The great offense to calling somebody a liar was not a disagreement over scientific reality, but rather an assertion that he projected a false impression of himself.[33] One of the most essential elements of the culture of honor is that honorable people have some control over the truth—those with honor can dictate what is true and what is not. There was a certain circularity to this situation, such that those with honor de facto spoke the truth, and those without honor did not speak the truth. To accuse someone of being a liar meant that he could not count himself among the honorable. Greenberg relates a documented anecdote in which a master beat a slave accused of stealing:

> the master "would require the poor slave to confess the truth, and then to deny it, and then back again, and so on, beating him from truth to lie, and from lie to the truth, over and over again.". . . This conversation between master and slave was not about the causes of the theft but who controlled the truth. By whipping the slave from truth to lie to truth, the master was telling both the slave and himself that truth was a matter of assertion of force—and the master had it in his control.[34]

Within Venezuela, the relationship between honor and credibility had legal force. Statutes specifically barred the courtroom testimony of the dishonorable, and people who could not testify included "professional gamblers, drunks, vagabonds, fraudulent debtors, and people who haven't rehabilitated themselves from a defamatory grievance."[35] Those with honor could testify, silence those without honor, and vote.

The issue of honor and credibility played a central role in the previously discussed case between Torres and Lieutenant Arias. From jail, Arias wrote to his military commander explaining his legal troubles. He

explained that his wife was the only person who could financially help him to mount a legal defense, but she was three days' journey distant from the city. Arias requested that his commander arrange for Arias to be temporarily released so he could go collect his wife, and he gave his word of honor that he would return to his jail cell as soon as possible. Torres learned of this request and he also wrote to Arias's commander. Torres explained that all the witnesses agreed, *con uniformidad*, that Arias was *un insolente* who had injured him and his house. Torres here not only asserted Arias's guilt but also directly called Arias a liar whose word could not be trusted. Torres then told the commander that, because of the gravity of the offense, Arias should suffer the normal legal punishments, and in addition Torres' debt to Arias should be absolved.

Arias responded to Torres' suggestion that the debt be forgiven with grave indignation. He referred to Torres as "a little girl with little honor"[36] and reasoned that if he relinquished the debt, he would be admitting that the incident was his fault and his honor as an officer prevented him from confessing guilt. Arias considered himself an honorable man whose word was credible, whereas Torres was a dishonorable man whose word was not: "And is it possible that the [good] conduct I have always maintained even in the midst of danger, must now be blemished by Torres, a man without judgment, without opinion, who can't be trusted?" Arias rejected Torres' settlement offer and held faith in "the Law that protects me against this slanderer [*calumniador*]." Society and the courts should believe those with honor and not believe those without it.

Within the legal question of honor and credibility, however, the case of Arias and Torres was something of an extreme in the early republic. Even in trials in which the litigants came from dramatically different social strata, republican Venezuelans did not tend to describe their legal opponent as being unworthy of notice. Legal opponents used language designed to gain control of describing events, but they tended to be subtler. A typical example occurred in the 1835 case in which several neighbors accused a man of being a drunken public nuisance. The neighbors' spokesman requested that the authorities investigate the matter by questioning those neighbors with the "best known honorable probity and good judgment."[37] Implicitly, the spokesman moved the authorities to understand that these witnesses would offer more reliable testimony than the defendant possibly could, as they were honorable and a drunken idler was not. Opposing parties frequently sparred with each other on the question of credibility by labeling themselves as honorable, hardworking, decent, or perhaps a veteran, and denying those labels to their rivals. The more

honor one had, the greater the ability to dictate the nature of reality, to describe both what had happened in the past and how things were in the present.

The Decline of Inherited Honor, The Rise of Citizens' Honor

Work and Productivity

Late colonial policies granted increased flexibility to the rules of honor, as the Bourbons promoted bourgeois values of rational order, centralized hierarchy, and economic productivity.[38] As discussed previously (chapter 1), one of the most important areas of new social fluidity related to racial status. Bourbon policy allowed *pardos* and *mestizos* to become officers of nonwhite militia units. Further, the 1795 decree of *gracias al sacar* expanded the ability of people to change their racial status. Though creoles blocked its implementation in Venezuela, the decree would have enabled nonwhites to become white and therefore enter the university and hold government positions.

Another significant area of change toward greater bourgeois ethics occurred in the relationship between honor and work or productivity, as the Bourbons sought to create a society that would valorize industriousness and demonize laziness and vagrancy. These policies came to contradict many traditional values, including those of the Catholic Church. On its own, high regard for work was nothing controversial. Catholic tradition had always valued work; after all, God condemned Adam to live by the sweat of his brow, and sloth was one of the seven deadly sins. At the same time, the Church often looked upon the indigent homeless and jobless as deserving of mercy and charity. Catholic values valorized charity and considered beggars to serve a necessary role in society, as they offered the rich an opportunity to perform the good works necessary to get into heaven. The poor, therefore, had a right to beg and the rich had an obligation to give. By the late eighteenth century, however, as the Spanish Crown sought to centralize power and modernize the state, Bourbon officials described beggars as a plague on society. Late Bourbon rule attempted to increase social control by physically removing unemployed indigents from urban streets and imprisoning them in workhouses where wardens taught them a useful trade.[39] Rather than treat the poor with charity, the state sought to control them and forcibly mold them into productive subjects.

Such economic aspirations also affected the upper and middle classes. Tradition held that aristocrats could perform manual labor as a hobby or recreational pastime but not to earn money, as doing so would be a sign of dishonor and could strip an aristocrat of his status. In 1783, however, the crown decreed that artisanal jobs "are respectable and honorable, that such a trade in no way demeans the family or the person that practices it, and that to practice such a trade in no way disqualifies a person from holding public office . . . [or] from the rank and privileges of a gentleman, should he have a lawful right to such an estate." The decree further stated, "families [that] have practiced the same trade or profession for at least three generations . . . to the benefit and profit of the state" might receive the rank of gentleman or nobility.[40] The honor system remained stratified, of course; there were degrees of honor, such that an artisan did not have as much honor as an aristocrat or a merchant. Nonetheless, throughout the empire, professions became more racially mixed and caste distinctions lessened.[41]

Such efforts by no means overhauled centuries of aristocratic pretense overnight, but they did catalyze an increased appreciation of work and individual accomplishment as markers of status. In Spanish America's first novel, *El Periquillo Sarniento*, published in 1816 in Mexico City by José Joaquín Fernández de Lizardi, we see the struggle between traditional caste mores and a new, emerging sense of *homo economicus* as the symbol of honor. The protagonist was a young boy born to parents with a good name but few means. He described his mother as loving but "her love was disorderly," and she was "full of common notions." In contrast, his wise father was "a prudent man and always looked beyond the surfaces of things." As a young boy, his parents argued over his future; his father held that he should learn a trade so that he could work for a living, which scandalized his mother: "an hidalgo[42] without a trade is better accepted, and treated as more distinguished in any decent place, than any hidalgo who is a tailor, tinker, painter, or so on." His father, however, was unconvinced:

> "There's a coarse and unfounded fear," my father replied. "He doesn't have to have a trade; but he must have some honest business. An office employee, a military officer, or some such, will be treated better than a tailor or any manual tradesman, and rightly so; it is right and just for people to make distinctions; but the tailor, even the shoemaker, will be held in higher esteem anywhere than any hidalgo who is a lazy, ragged, swindling rogue, which is what I do not

want my son to become. All this aside, whoever told you that having a trade is debasing? What's debasing are bad actions, bad behavior, and bad education."[43]

This fictional argument, written by Lizardi at the very end of colonial rule, demonstrated the tensions within a society undergoing a dramatic evolution in its social values. The emotional and irrational mother clung to the cumbersome past while the wise father proposed a far more sensible future: he accepted social differences, but insisted that a man's actions represented his honor more than his birth, and that productivity demonstrated honor more than inactivity.

The close association between work, decency, and honor appears throughout the documentation of late colonial Venezuela. In 1791, María Gregoria Céspedes brought charges against her son, José Felix, for "bad behavior and a corrupt lifestyle." In order to break him of his drunken habits, she had apprenticed him to a barber and a blacksmith, but to no avail. In desperation, she requested that the court send José Felix to Pensacola, Florida, the location of a working prison that taught inmates a trade and reformed their habits.[44] As another example, in 1797 Charles Ball was a twelve-year-old Irish boy serving on the British frigate, *Hermione*. The ship's crew mutinied against the abusive captain and sought refuge in Venezuela. Eventually the colonial government refused to provide asylum to the adult crewmembers, but accepted the boys because they had not participated in the mutiny. In 1805, Charles (now Carlos) attempted to become naturalized as a *vecino* of Caracas. He gathered testimony from prominent community members who held high positions in the military and colonial administration, all of whom supported his case for naturalization. All the witnesses described him in similar terms: he was honest and hardworking, he had learned a trade in commerce, and he associated with good, honorable people.[45] All three of the supportive accounts referred to his hard work as a mark of his character and why he should gain the status of *vecino*.

The late colonial regime, therefore, presented a shift in the standards of the honor system such that inherited status held less prominence. Inherited markers still remained eminently important—gender, family, and race still commanded great significance in determining a person's social standing, legal status, and professional opportunities. Nonetheless, the importance of these features had diminished somewhat, and simultaneously, individual economic productivity became increasingly important as a marker of social decency, honor, and status.[46]

The postindependence regime then greatly accelerated this process as it officially erased inherited status (either through race or aristocracy) and focused even more on work and productivity as central to the republican project. The revolution's leaders enthusiastically embraced capitalism and venerated the rational, economically self-interested individual. Although racial and class prejudice certainly persisted, the republic officially rejected such colonial legacies, and the war had catalyzed some degree of real social mobility. As the markers of status shifted, economic behavior and wealth became increasingly important. As one example of this change, in colonial Venezuela and Buenos Aires, when parents objected to a child's choice for a marriage partner, they typically stressed the person's racial and social status. In the early republican period, however, they objected to a potential son- or daughter-in-law on the grounds of economic status and finances.[47]

Intellectuals of the time considered industriousness as essential to the success of the individual and the republic. Editorialist, intellectual, and politician Antonio Leocadio Guzmán wrote in 1826, "Industry, commerce, agriculture, and all the paths that carry man to happiness, are entirely free."[48] In the parlance of the early nineteenth century, "happiness" referred to economic well-being and stood as a proxy for physical and emotional well-being. Through the vigorous exercise of his economic freedom, therefore, the good citizen could find true happiness. The Constitution, in turn, established that Venezuelans could engage in whatever type of work or industry they chose, as long as it did not threaten public morality or health.[49] Tomás Lander, who waxed so eloquently on the nature of law and citizenship, wrote at length on the subject of virtue, which he defined as the practice of actions that were useful to the individual and society. For Lander, the five most essential virtues were *actividad* (activity, love of work, and good use of time), science, moderation, courage/fortitude, and cleanliness. *Actividad* not only represented labor and efficiency, but also joined a constellation of qualities associated with rationality, self-regulation, and responsibility.[50] Although Lander did not see wealth as a virtue in itself, he thought that wealth could reflect virtue because virtuous living led to abundance. Likewise, poverty was not a vice. However, poverty often derived from vices and was a danger because it led to ignorance and impulses that corrupted the morals.[51]

Work and wealth also translated into political power. The franchise belonged to men who possessed sufficient property to be economically autonomous, whereas the servants or employees of others could not vote.

The most honorable citizens, those with full political rights, were men who not only worked but also were propertied. In turn, citizens could lose the franchise if they betrayed the republic, broke the law, or became impoverished or a drunkard.[52] In official terms, then, honor and honorable status no longer stemmed from birth, race, and religion, but rather from property ownership and respectable behavior.[53]

Within the courts, citizens from various social strata expressed similar sentiments. To return to the case of Torres and Lieutenant Arias, in a deposition Torres bolstered his claim of damages by asserting that Arias had committed an outrage against "the house of an honorable, hard-working citizen and against his person and honor."[54] Likewise, in 1824 a struggle broke out in the town of San Pablo between the priest and the mayor over whether a man suspected as a Protestant could be buried in the church cemetery. The priest insisted that no heretics were allowed and had the body buried in the countryside. The mayor ordered the body exhumed and defended the right to bury the cadaver in the cemetery based on the good character of the deceased, who was

> An honorable man of the greatest purity, who preferred, even in his advanced age, to be a servant rather than take on some inappropriate job or become a vagabond: a patriot of the highest karat [gold], not because of some common, fictitious, or speculative sentiment, as found in many, but from a combination of his understanding, which made him free and without interests, and from liberating himself from bigotry, which he always rationally detested.[55]

Like Lander and Guzmán, these examples of court testimony treated hard work and rationality as paired qualities essential to enlightenment, patriotism, and good citizenship.

Respectful conduct and working to earn a living were key criteria to being decent across the middle period. Both the colonial and republican states regarded holding a job as meaning more than simple economic productivity. At a very basic level, employment implied stability, predictability, playing by the rules, and being controllable by society and the government. With independence, inherited qualities (except gender) disappeared as markers of official status. In turn, individual merit, often demonstrated through productivity, became even more important. At a more ideological level, work and property ownership became associated with productivity, order, and rationality; respect for the law; and respect for the republic. All

of these qualities played a role in the new bourgeois sensibility necessary to a liberal republic, in which *homo economicus* would serve as the ideal citizen.

The Vagabond—The Anti-Citizen

In 1835, several residents from the San Pablo neighborhood of Caracas accused Trinidad Castillo of being a drunk, *un vago*, and exhibiting bad behavior (*mal comportamiento*). The charges included that he "frequently bothered the neighborhood with his haughty and licentious character . . . often found drunk." Five witnesses then gave separate testimony confirming that Castillo was not only jobless, noisy, and often drunk but also "prejudicial in the extreme to the neighborhood," and that he "pestered the neighborhood and passers-by with insults . . . that corrupt public morality and decency."[56]

At the opposite extreme from the rational, productive citizen stood the *vago*. Literally, the word means a vagabond, an itinerant, a bum. At the time, the word additionally indicated a person who could work but did not because of some vice, such a laziness or habitual drunkenness. The term also suggested that the person avoided marriage and a settled domestic life. Beyond its literal meaning, *vagos* are highly instructive because they serve as foils of "good" colonial subjects or republican citizens, and therefore help to define honor by representing its opposite. *Vagos* also help to reveal how poverty could endanger a person's honor and legal rights. The word *vago* was a commonly used insult as well as a criminal charge. Culturally, a *vago* had no honor and no worth; legally, a *vago* was a criminal.

Hostility toward vagabondage dated to colonial times and had increased through Bourbon policies that criminalized unemployment and begging, and attempted to "civilize" the poor. [57] As an example of these attitudes, in 1803 the viceroy of New Granada (which included Venezuela) submitted his *Memoria* as he left office. In a section in which he described urban health conditions, he discussed infectious diseases, such as yellow fever, leprosy, and smallpox. He then immediately began discussing begging and laziness. He described these latter problems as physical, political, and moral illnesses. As the viceroy saw the problem, when people did not work, they became weak and, like a disease, they threatened all of society.[58] This concern about *vagos* persisted even during the turbulence of the war years. In 1817, the royalist general Pablo Morrillo issued a proclamation that ordered the *tenientes justicia* to visit towns to ensure that the people were "hardworking and good people." In turn, they should cull from the town anybody who is a "*vago*, lazy lingerer

[*mal entretenido*], traitor, libertine, spreads news favorable to the insurgents . . . and finally any uncontrollable man who drinks too much, because these people are a moth on society."[59] Colonial officials categorized *vagos* along with traitors and disease as plagues upon society, as the very opposite of decent people.

With independence, the project to create a liberal republic took a similar position toward *vagos*. If convicted, a *vago* could face jail time and conscription into the army. Further, being *un vago* was among the offenses that could suspend a person's citizenship rights, along with mental illness, being a failed debtor, being jailed for a crime, and being habitually drunk.[60] In 1830, the Secretary of the Interior, Antonio Leocadio Guzmán, called for *vagos* to be removed from the general population. He advised the government to assign buildings for the merciful purpose of "curing the sick poor, for the sequestering of epidemics and the ill, for helping impoverished old people, for the upbringing and education of foundlings, and for the reclusion of the insane and *vagos* . . . always reconciling the needs of these people with the public good."[61]

In addition to being a criminal charge, the term *vago* was one of the most common, if not *the* most common, insults leveled against men.[62] Like the criminal charge, as an insult the term *vago* associated a man with drunkenness, laziness, disgraceful conduct, disregard for *deberes*, *falta de respeto*, untrustworthiness, and disdain for the laws that guided the state and society. To return to the 1822 case between José Torres and Miguel Arias, we see that Arias, while under arrest, defended himself by stating that Torres "is one of those ungovernable men, *vagos*, *mal entretendidos*, upon whom the law should give justice."[63] In 1824, the mayor and a priest of the town of San Pablo got into a struggle about whether to bury a man the priest suspected to be a Protestant. The mayor not only demanded that the priest obey his orders or be thrown in jail, but publicly stated that all priests were *vagos*.[64]

THE VAGABOND AND *PADRES DE FAMILIA*

The vagabond was the antithesis not only of the good citizen but also of the *padre de familia*, as the *vago* rejected proper patriarchal norms. *Padres de familia* raised families, guarded their communities, and oversaw the behavior and moral instruction of their dependents. In contrast, *vagos* had no job, home, proper woman, or dependents. Because they failed to exhibit proper behavior, *vagos* were not merely a nuisance but also a danger. In 1836, President José Carreño complained about "vagrancy, which plagues the province and deters the flow of wealth and prosperity. The cities and the countryside, the villages and the parishes, are full of people of

both sexes who live without applying themselves to any type of occupation or exercise that produces sustenance, living off of the hardworking people."[65] These rural peoples, far from evolving into *homo economicus*, produced enough drag on the economy that they threatened the republic itself.

The republican system assumed the necessity of social hierarchy, as a small minority would need to lead the majority. In 1833, José Vargas (who became president in 1835) addressed the *Sociedad Económica de Amigos del País* and explained the wisdom of preserving the natural stratification of society:

> In order for all to be equally happy, it is not necessary that they be equally rich and powerful. Such a level of equality is absurd and incompatible with our nature, as we do not all have the same capacity. . . . When each man can, with a moderate job, provide for his needs, furnish himself with essential rest, enjoy the pleasures and comforts of married life, and educate his children in a manner appropriate to their social condition or their orderly aspirations, all, from the day laborer to the wealthiest man, will be happy in his way and within the sphere of his true needs.[66]

To be a happy republican, a man should work, look after his wife and children, and be content with his lot. As Vargas explained, what mattered was not that the poor enjoyed upward mobility, but rather that they were employed and settled into domestic life.

In order to achieve this prosperous end, Vargas recommended that the state should help to mold the people's values appropriately. As he continued in his address, "The love of work or an honest occupation is the principal base of individual comfort, as it is with public happiness and order; and this love of work is in all climes and people across the globe the result of the structure of government, of its properly formed laws and institutions."[67] According to Venezuela's leaders, many people would not settle into a productive domestic life if left to their own volition. Just as many people would not know how to enjoy the benefits of liberty, many would not know how to become honorable. Like the colonial government, the republican government supported *padres de familia* and itself took on the role of *padre de familia*, such that the government would cultivate proper habits so that the people could be happy and productive citizens.[68] Just as people were born with sin and needed religious authorities to show them



Illustration 4.1. *Padres de familia* on a hunt, leaving a rural inn. Reproduced by permission from Ministerio del Poder Popular para la Cultura, Fundación Museos Nacionales, Galería de Arte Nacional. *Los cazadores a caballo en la posada*, by Celestino Martínez, 1866.

how to save their souls, the government could save the people from becoming *vagos*.[69]

As an insult and a legal category, the *vago* served as a male analog to the *puta* (whore). Like the *puta*, the *vago* had no honor and posed a threat to the patriarchal order. The insult *vago* did not effeminize a man or impugn his sexuality, as *puta* did for women. Rather, calling a man *vago* cornered him into the same uncomfortable social and legal space as a calling a woman *puta*; the insult stripped him of (male) honor and depicted him as the inverse of patriarchal norms. The *vago* was a man who was the antithesis of a *padre de familia*; he brought instability and disorder; he taught bad morals and served as a bad example; and he did not run a household in which he controlled women, children, or anybody else who was his "natural" subordinate. Making explicit the connection between *vagos* and *putas*, in 1822 Jerónimo Torres recommended to the Gran Colombian Congress that it send all *vagos* and prostitutes into the hinterland where they would mate with blacks; he suggested that this program would improve both urban social conditions and rural genetics.[70] The term *vago* was not exclusively masculine, as people sometimes insulted women as *vagas*, and the government concerned itself with controlling *vagas* as well as *vagos*.[71] Nonetheless, as an insult and a legal charge, the *vagos* were generally male; like *puta*, it was a catchall insult that could be leveled against any male to shame him.[72]

The insult *vago*, of course, had an economic element, which was consistent with the culture of insults in other parts of the Atlantic World. In the North Atlantic during the seventeenth and eighteenth centuries, insults against men became more connected to commercial values of personal credit, hard work, and economic autonomy, and the most common insult was "thief."[73] By the late eighteenth century, we see a similar phenomenon in some parts of Spanish America, such that the most common insult against a man was "thief."[74] In Venezuela's increasingly commercialized society, in which characteristics of masculine honor became attached to notions of personal merit and credit, the *vago* was the antithesis of the *padre de familia*, merchant, and *hacendado*—he did not work, did not enrich society, was untrustworthy, and had no credit.

Such views left many Venezuelans in a precarious situation. Viewed as a threat to order and prosperity, the poor could easily find themselves treated as criminals. Notably, trials against vagabonds did not evolve the types of liberal standards that we see in court proceedings against other categories of crime. As administrative and legal standards became more legislatively precise, court proceedings centered on a specific incident

and dispensed with testimony about reputation in favor of more empirical information (see chapters 2 and 3). Charges against vagabonds, however, remained inexact; they did not describe a particular criminal event but rather depicted somebody whose actions defied patriarchal norms. Throughout cases of vagabondage, witnesses described a person's reputation and character, and the defendant described his lifestyle and past. Vagabondage was a charge that stemmed from the somewhat vague crime of being a public nuisance, offending public morality, not being a *padre de familia*, and endangering patriarchal order. Therefore, the less-than-specific testimony fit better with a crime that may not have a specific incident. In this regard, men charged as *vagos* faced legal hurdles similar to single women who lived a "loose" lifestyle or married women who challenged their husband's authority, which we will explore in the next chapter. *Vagos*, like these women, failed to respect patriarchal order, and therefore their reputation and morality became targets in judicial investigations.

To return to the case against Trinidad Castillo, we see that charges against a *vago* could be somewhat vague and imprecise, as witnesses described him as bothersome and possessing a "licentious character." He defended his character by showing that he worked, supported a family, and was a war veteran. He brought forth five witnesses who testified that he was a veteran of the independence war, he was now an invalid from war wounds who drew a pension for his service, he worked as a comb maker, and, though separated from his family, he financially supported his wife and children. The judge, impressed by the evidence of military service and a work ethic, dismissed the charge of *ser vago*. The judge sustained the charges of disorderly conduct when drunk and released Castillo with the understanding that his current employer would keep an eye on him and report to the court "the smallest misconduct." Whereas reputation had disappeared from court testimony in most instances by the 1830s, it was still a powerful form of evidence against poor people accused of vagabondage.

Wealth, productivity, and civic sacrifice marked the man of honor and citizen. As in other young American republics, any of these qualities could save a man's honor and serve as a legal defense against certain charges.[75] The *vago* embodied none of these qualities, had no honor, and served not only as a criminal charge but also as perhaps the most common insult against men. Patriarchal bourgeois values of economic rationality, respect for the law, and being a *padre de familia* came together in the revulsion against this figure who threatened morality and the republic itself.

Dueling

Much scholarship on the subject of honor in the eighteenth and nineteenth centuries has investigated dueling, so the subject deserves a brief discussion. By and large, dueling was not a common practice during the years under study. Although dueling had become quite frequent in northern Europe and the United States through the late eighteenth and early nineteenth centuries, colonial Spanish American elites challenged each other in the courts, or jockeyed for positions in the administrative bureaucracy, rather than fight violently.[76] During the independence war, volunteer mercenaries from northern Europe did at times engage in duels. Venezuelans, however, did not emulate the mercenaries but rather satirized and mocked their duels as ridiculous.[77] During the early republic, a few records on the subject demonstrate that duels occurred among military personnel, but they appear to have been rare and people held them in low esteem. For example, in two events, the challenged party refused to duel but rather had the challenger arrested for committing "the most horrendous crime that society reproves."[78] In these incidents, respect for the rule of law apparently superseded respect for a rather uncommon practice. Dueling became widespread in some parts of Spanish America (e.g., Mexico) in the late nineteenth century.[79]

Conclusion

Honor across the middle period presents a combination of significant change blended with remarkable continuity. Honor continued to serve as an essential feature of a person's essence, being associated with the soul, character, and self-respect. Given the power of reputation, communal opinion very much determined a person's status and value—to a large degree, you were what others thought you were. In turn, honor remained closely tied to notions of truth and honesty, such that those with honor were by definition more honest and truthful. Honor disputes not only related to a specific conflict, such as an insult or argument, but also concerned assigning status, which determined who was dominant, deserved respect, and controlled the truth. The honor code also remained a powerful normative order that ran parallel to, and at times contradicted, the government's legislation and authority. Though governments across the middle period supported the honor code, it also stymied official policies, as when colonial and republican governments attempted to reduce racism

or when the republican government attempted to diminish the military's *fuero*.

At the same time, honor underwent significant changes in the early republic. Independence heightened reforms of honor already in place during the late colonial period, but pushed and accelerated them well beyond what Bourbon Reformers had intended. Perhaps most consequential, honor became democratized. The Bourbons had increased social and professional mobility by making racial divides more permeable and by labeling artisanal work as honorable. Nonetheless, colonial elites had fiercely resisted these changes so that the independence wars began in a society that was still deeply hierarchical. The republic then abolished the race and estate caste system, so that all but slaves could claim to possess honor. The independence war itself had facilitated this process, as the years of violence enabled plebeians to gain status and property through military prowess.

Patriarchal hierarchy remained firmly in place, as male heads of households retained the rights of *patria potestad* and had legal authority over their subordinates. With independence, any propertied man could become a *padre de familia*, as even nonwhites and commoners could become a patriarch with the sociolegal status to manage social order in his community. The republican government, then, officially delegitimized inherited status and promoted merit in its place. Ultimately, honor became an essential component of a citizen's identity within the liberal state and one of the fundamental rights under the new Constitution. Like property and life, honor was a universal individual right that the government had to protect.

Republicans also pushed further the Bourbon reverence for economic industriousness as a path toward sociopolitical stability and wealth. During the colonial period, though the Crown decreed that manual trades could bring honor, elites had avoided work; only certain types of occupations—such as military, administrative, ecclesiastical, or managing one's landed wealth—had been acceptable occupations for "the honorable." For most elites, manual labor was honorable only insofar as it was less dishonorable than poverty and unemployment. The republic profoundly altered the nature of state-recognized honor, changing work from a disqualifier to a prerequisite, and associating good citizenship with the bourgeois values of a strong work ethic and property ownership. Like a *padre de familia*, the government saw itself in the paternal role to instruct people toward a settled, domestic lifestyle and solid work ethic. Through paternal instruction, the republic would become filled with citizens modeled on

homo economicus: rational, orderly, law-abiding, socially mobile, and economically self-interested.

The prevalence of honor after independence could be surprising because, from a purely ideological standpoint, one might expect that liberals would dispense with honor entirely. The elements of honor that preserved a formal caste system based on race and aristocratic privilege directly contradicted the basic tenets of liberalism. Further, liberal theory required a far greater divide between public and private power than seems consistent with the traditional honor code. According to liberal ideals, social hierarchies should be divorced from political power and should not receive official sanction. Whether or not one citizen enjoyed greater social status than another should in no way concern the government and should grant him no special treatment in his workplace, a courtroom, or a bureaucrat's office. Reputation was hardly a component of the social contract as described by liberal authors that influenced Venezuelan elites such as Locke, Hume, Constant, Madison, and Bentham. Although the Enlightenment tracts that inspired the revolutionaries called for a minimalist government detached from social norms and mores, the constitutions secured reputation as an appropriate arena for government intervention, politicians and editors continually evoked honor in their publications, and honor litigation filled the court dockets. Such conditions placed the government's relationship with the citizen as more intrusive and complex than was recommended by Thomas Paine's mechanistic political paradigm or Adam Smith's free-market economy.

Honor, therefore, both facilitated and obstructed the project toward liberal reform. The honor code at times sparked violence and rancor outside of legal parameters. At the same time, the honor code retained familiar patriarchal norms that were sanctioned by tradition. The *padres de familia* benefited from legal privileges and in turn served the state by upholding social order. Further, honor required people to follow established (unwritten) rules of decency, civility, and respect for authority, which included respect for the state. As long as the government upheld order and justice, the honor system granted it respect, just as it respected other sociopolitical structures such as family, village communal dynamics, and religion. Honor, therefore, composed a key element of colonial vassalage and republican citizenship, and the court record demonstrates that at times people accepted the government as a mediator in their honor disputes. Under the republic—which was a period marked by war-damaged infrastructure, social instability, a weak state, and heightened militarism—honor served to link the citizen to the state and to facilitate social order.

Despite the fact that liberal ideology viewed the state and society in far more mechanistic terms than had been the case under the old regime, neither elites nor plebeians could conceive of the absence of honor. Given honor's critical role in individual identity, social order, and political stability, the question was not whether liberals should preserve honor, but rather how they should protect it.

CHAPTER FIVE

Wife, Mother, Citizen, Whore

Honor and Law for Women

On January 21, 1847, Socorro Irasabel hurried into the offices of her local tribunal seeking protection from one of her neighbors. The forty-six-year-old seamstress explained that the previous day her neighbor, Josefa Rangel, had grabbed a knife and attempted to kill Socorro's sister, Juana. When Juana's son came to his mother's defense, Josefa had turned to her Spanish lover and told him to kill the boy. As horrifying as this event was, it did not initiate the complaint, but rather Socorro began her account with: "Next to my house there lives a neighbor named Josefa Rangel who has scandalized the neighborhood, frequently pronouncing obscene and insulting words at everybody who lives there; she doesn't have a job; she has relations with various men in her house; she commits her immoral and impure acts publicly . . . she is scandalous, drunk, and demoralized."[1] Only after this introduction did Socorro relate the attempted murder. Numerous witnesses testified in the case, and overwhelmingly they affirmed that Josefa was a domestic worker and bread maker, that she had a drunken, loose lifestyle, and used foul language, and that she had held a knife in Juana's direction. Silvestre Puche, the Spanish lover and a laborer, agreed that Josefa was drunk and had brandished a knife, but he testified that she dropped it and had not seriously threatened Juana. Josefa Espinoza, Silvestre's wife and a domestic servant, came to court to testify how heartbroken she was by his relationship with Josefa Rangel.

The defendant remained defiant. Josefa defended her innocence based on several factors: she had not attempted to murder anyone, she did not have a licentious lifestyle, she worked hard, and she supported her grand-

mother. Nonetheless, so many witnesses from this working-class neighborhood asserted that Josefa Rangel was frequently drunk and had numerous lovers that her denials could not convince the court. Eventually, the judge decided that there was not enough evidence to support the charge of attempted murder. However, he declared, "it is proven that Rangel lives surrendered to a relaxed and scandalous life, and if it is certain that one attributes these failures to this gender, they do not strictly count as public crimes, but rather merit a connection with special attention to public morals and order." The judge determined that the three months of jail she had already served during the proceeding sufficed as punishment, and he ordered her released immediately, with the addition that she should pay the costs for the paperwork.[2]

This case demonstrates some of the social, legal, and political complexities that women faced under the republic, which will be the focus of this chapter. Notably, the witnesses used Josefa's reputation against her. In turn, she had to defend her reputation regarding traditional aspects of female honor, specifically sexual behavior and public composure. Although the courts no longer considered a person's reputation in most cases (see chapter 3), women outside of patriarchal authority (single women) and women who challenged patriarchal authority (such as in divorce and alimony cases) encountered pre-independence juridical standards that used reputation as a form of evidence. These women faced legal treatment similar to that of men who challenged patriarchal norms, namely *vagos* (vagabonds), as discussed in the previous chapter. Further, the judge considered the court to have a duty to amend Josefa's morals, such that the court served the role of the disciplining patriarch for women who did not live with a man.

Research on Latin American women's status across the middle period and nineteenth century is a relatively recent area of study and does not yet allow a solid synthesis, beyond stating that independence produced mixed results for women.[3] Scholarly debate on whether women's status improved or worsened after independence and the advent of liberalism is unresolved. Some improvements in women's status were already in motion in the late colonial period. After independence, governments throughout the region reinforced patriarchal domination in an attempt to secure social order and instituted virtually no changes in policy or law regarding women until the end of the century. The republics upheld traditional patriarchy so that, although honor and law changed notably for men after independence, they changed far less for women. Nonetheless, eventually the republican struggle for freedom and equality had an influence on attitudes



Illustration 5.1. Market woman and men. Reproduced by permission from Ministerio del Poder Popular para la Cultura, Fundación Museos Nacionales, Galería de Arte Nacional. *Vendedor de gallinas caraqueño*, by Ferdinand Bellerman, 1843.

toward gender, though in a far more subtle way than they did in matters of race and class.

In Venezuela, the simultaneous effort to reinforce patriarchal norms and to enact liberal reforms produced contradictory effects for women. There was not a robust debate over women's rights at this time; and in

many areas such as legislation, courtroom procedures, and public discourse, women's subordination remained unchanged or worsened. Newspapers, speeches, and private letters present a message that women should embrace their role as submissive, docile creatures with no interest outside caring for their homes. At the same time, the sources also reveal that some women played a role in political affairs even when condemned for doing so and that "progressive" ideas became increasingly commonplace (I define "*progressive* as moving toward greater legal and political gender equality). In the courts, as we saw in the case against Josefa Rangel, judges upheld some colonial juridical standards in order to protect patriarchal norms. At the same time, in court battles regarding property rights and status within marriage, women made subtle but substantive gains in claiming citizens' rights. Progressive public discourse and courtroom arguments did not seek full equality or an end to male domination, but rather called for society and the state to respect women's individual rights as fellow citizens.

Late Colonial Patriarchy: The Roles for Men and Women

The early modern Hispanic world, as elsewhere throughout the Western world, viewed women as morally and intellectually inferior to men and subordinated them to male authority in almost all facets of life. Nonetheless, in the eighteenth century we see some examples of an Enlightenment discourse that advocated greater equality. In 1737, Benito Feijóo, a Benedictine monk and professor of theology at Spain's University of Oviedo, published a treatise that attacked the widespread impressions of women's inferiority: "The common opinion sees women as morally full of defects and physically full of imperfections; but what is mainly emphasized is the limits of their mind. . . . These arguments against women are made by superficial men." He asserted that women had an "aptitude for all kinds of sciences and higher knowledge" and that, with education, women would prove the equal of men in all areas save physical strength.[4] Several decades later, Josefa Amar, an Aragonese noblewoman and scholar, became the first female member of the *Sociedad Económica* of Aragon. In 1786, she published an essay in which she criticized men who "deny [women] education and then complain that they do not have it." She showed the foolishness of a society that kept women ignorant and powerless but still blamed them for all of Spain's social problems. She insisted, "If [throughout history] women have distinguished themselves in letters, they have shown just as much skill in government and public

affairs. . . . If women had the same education as men, they would do just as well or better than men."[5]

Though the Bourbon monarchs were not nearly as radical as Amar, the government sanctioned a series of reforms that improved educational and professional opportunities for women and gave them a greater role in the public sphere, particularly in the metropolis. In 1779, King Charles III passed a law that required guilds to open to women in trades "appropriate to their sex"; and in 1783, he decreed that a school for girls open in Madrid to promote "the proper education of young girls in the rudiments of Catholic faith, in the rules of good behavior, in the exercise of the virtues, and in the labors appropriate to their sex."[6] These reforms were part of a larger trend in Spain that gave women a more active role in public life in the late eighteenth century. Rather than seclude themselves in their homes, elite Madrid ladies now showed themselves more assertively as they sauntered down the recently constructed Paseo del Prado. Elite *españolas* patronized the arts, served in philanthropic societies, hosted *tertulias*, and became members of the Economic Society in Madrid and other cities.[7] Across the eighteenth century, 170 to 180 Spanish women published their writings for wide audiences, though they avoided political topics and limited their subjects to love, morality, and pedagogy.[8]

Such changes in attitudes and law had less effect in the American colonies. Elite Spanish American women hosted *tertulias*, but they did not enter the public sphere or print culture nearly to the degree as women in the metropolis.[9] Periodical journals in large cities (Mexico City, Bogotá, Quito, Lima, Buenos Aires) at times published articles on feminine subjects such as women's education, domestic problems, health care, character, and child rearing. Though women never wrote any of these articles, they demonstrate that the male authors held an "intellectual curiosity about women" and their role in society, and that they advocated education for women so that they could become better wives and mothers.[10] Some colonies saw an improvement in the condition of educated women: in Rio de la Plata, by the late eighteenth century there was an increase in the divorce rate, probably driven by improvements in women's education that led them to be less tolerant of domestic abuse.[11] By and large, however, colonial women's education continued to exist within the realm of domestic arts and was prohibitively expensive such that only elite women were literate and educated.[12] Further, in 1776 Charles III decreed the Pragmatic on Marriage, which bolstered parents' ability to prevent their children from marrying a partner of unequal social rank. The Pragmatic thereby further reduced the limited choices that young women had to control their fate. This decree sought to increase social order, as it bol-

stered paternal power and slowed mixing across class and ethnic lines. It also increased the Crown's power over the Church, because it gave the Crown vastly more jurisdiction in the realm of marriage, which was traditionally ecclesiastical terrain.[13]

Patria Potestad

Colonial society saw hierarchies as natural, religiously sanctioned, and necessary for an orderly, just society. Hispanic law and culture held that in God's eyes and by natural law, man was superior to woman as he was superior to all other creatures; woman was created to serve as man's companion and to bear children.[14] Within the family, the father and mother should be tied together through unbreakable bonds of love and loyalty, and that bond had a clear hierarchy and purpose to promote order and to procreate. The legal and cultural norms that supported stable family life held that, as the king had authority over his subjects through God's will, the husband had, through divine order, dominion over his woman, children, and servants.[15]

Patria potestad was the legal term for paternal authority within the family, and it granted men legal control over all the property and persons within the family. The *Siete Partidas* codified the pervasive expectation that the paternal heads of a family, the *padres de familia*, would sit at the top of the family hierarchy: "And when we say the word family it is understood as the señor of the house and his woman, and all those that live with him beneath his command, including his children, servants, and the slaves and other domestic help."[16] A wife did not have legal authority over other members of the household unless the paternal head had granted it to her. Fathers were obliged to look after the people of their household, and the children and grandchildren were obliged to love and obey. This was an ancient, mutual obligation that was analogous to the relationship between king and subject, master and servant, bishop and clergy.[17]

By law and custom, women were not supposed to have any voice in public affairs. Only men could hold governmental positions, and the law forbade the wives and consorts of officials from soliciting or intervening in the public business of their men.[18] Women appeared in public ceremonies, but only in the role of passive symbols. In Lima, for instance, elite administrators appeared at public ceremonies in the company of their wives, to show that they were family men. At such events, women might sing poems of praise, but they were little more than extensions of the scenery or musical score. Elite women rode in parade carts posing as personified symbols of virtues (Prudence, Justice, Charity, Truth, etc.), of

the Americas and Spain, or of the different racial types of the Americas. Sometimes these symbols were women posing as statues, and at other times the symbols were statues in the form of women.[19] Women's role in political stagecraft was important, passive, and politically silent.

The Independence Wars

When the turmoil of Venezuela's independence movement began, it did not overtly promise to alter women's conditions. Nonetheless, women actively participated in the conflict in numerous ways, such as marching with the soldiers, cooking, nursing, providing supplies, spying and passing information, donating money and supplies, and even taking up arms.[20] The degree to which most women at the time understood the independence movement to signal a change in gender relations remains unclear. Evelyn Cherpak and Aline Helg found that women in Gran Colombia participated in the wars for a variety of reasons, including family ties, patriotism, and profit, but that "most did not expect their sex to profit collectively from whatever freedom might bring."[21]

Still, the independence movement's language of liberty and equality clearly inspired some women who saw that republicanism was not just a male cause. As early as 1811, María Antonia Pérez enunciated radical views on marriage in her divorce proceedings before the court:

> In marriage, husbands are nothing but the ones who represent the family, and women, their *compañeras* [partners], who should help them with marital obligations but are not condemned to be the husband's slaves; nor are women of an inferior condition in the exercise of their rights; the quality of being a woman does not exclude them either from the societal order or from the guaranty to enjoy their liberty and security of their person. The law makes us all equal as citizens, and if my husband is by this right authorized to behave in a free manner, I am, by the same right, entitled to resolve my needs on my own.[22]

Clearly some women, even if they were a minority, believed that the republican movement offered the potential for change for women as well as men.

The potential for gender equality caused by the war's disruptions caused anxiety for the revolution's leaders, who did not aspire to overturn the patriarchal order. Leaders of the independence movement in Venezuela and

throughout Spanish America wanted women to participate, but in a manner deemed appropriate to their sex. Women could publicly declare their support for the republican cause and hatred of "Spanish tyranny." As had occurred in colonial ceremonies, republican generals used women as propaganda props; the symbols of patriotism, liberty, victory, and the nation virtually always took a feminine form. The revolution's leaders did not, however, want women actually to fight in the war and forbade them to participate in public political discourse. Venezuelan republicans used patriarchal metaphors to justify the rebellion: they were sons who justifiably rebelled against a tyrannical father and now made themselves into the new fathers of the nation.[23] With independence secured, political writers associated women with the land that needed to be tamed and protected. They also used the family unit as a metaphor for a people that needed to be unified under a strong, centralized, paternal leader.[24] The republican movement, then, continued the colonial legacy of using women as political symbols without public voice, opinion, or power.

When the war finally ended, the desired political passivity of women became concretized. *Venezolanas* who had fought in the war now returned to their homes and again became principally wives and mothers.[25] Though women did not have an active voice in political events, politics exacted a very real price on their lives. The war had left a large number of women forced to run their farms, businesses, and homes alone as their men were now dead, exiled, or away fighting. We have no estimates of the number of wartime widows, but the quantity of petitions to the government for pensions indicates that it was very large.[26]

Republican Women and Preserving Patriarchy

One of the striking features of women's status in the early republican period is that it received so little attention. The legal reforms that abolished inherited privileges and so affected the status of nonwhites and slaves had no effect on women. Indeed, the question of women's status received scant attention as political leaders, legislators, and families returned to the status quo ante on this subject. In the voluminous public debate that raged in the brave new world of the independent republic, editorialists, legislators, and authors occasionally questioned gender roles, but were mostly silent on the subject.

This inattention to the revolutionary potential for gender was typical throughout the Atlantic world because most people simply did not think of gender roles as something that could or should be changed. As William

Reddy observes regarding the French at this time, Venezuelans considered honor and male superiority as natural parts of the human condition, so that they did not engender debate or inquiry.[27] Not only popular opinion but also Europe's great political theorists of the age (e.g., Locke, Rousseau, Kant, and Hegel) naturalized women's subordination, and as they conceived of a division between the public and the private sphere, they depicted women's natural place as located exclusively in the private sphere.[28] Classical liberal theory claimed equal rights for everyone but actually promoted them only for men. The social contract, therefore, touted full equality and freedom, but confined women to the domestic realm—which was part of the private sphere and distinct from civic life—where they were subordinate to patriarchal control and had no voice in public matters.[29] Most Atlantic world liberals of the day saw no conflict between liberal theory and traditional gender roles, so that women's status changed very little in the Western world until the early twentieth century.

Latin Americans adopted republican-liberalism into their patriarchal systems in much the same way. Latin American colonial society saw men and women as intrinsically different, and these differences rendered only men as competent to engage in public affairs.[30] Republican law and society valorized rationality and control, qualities attributed to men, and viewed women as guided by emotions and, therefore, incapable of inner self-control and reflection.[31] In the same way, the Venezuelan norms of honor depicted male superiority as natural and eternal, and therefore the value of patriarchal hierarchies received little scrutiny. The president of the new republic, Simón Bolívar, wrote a letter in 1825 in which he observed, "Were I envious [of General Sucre's military glory], I should scarcely deserve the name of man, for envy is a petty and contemptible passion that belongs to woman."[32] Religion reinforced these assumptions, as the republic's Church continued to teach that women's destructive potential, as first evidenced by Eve, needed to be controlled by male governance.[33]

Nonetheless, as we shall see below, with the advent of independence Venezuelans slowly began to question the appropriate degree of women's subordination and a language of greater gender parity emerged. First, however, let us look at how notions of women's "natural" inferiority thrived under the republic.

Women's Legal Status

Throughout Spanish America, postindependence legislators reformed public law but did not alter private law—of which domestic law is a sub-

category—until the middle or end of the century.[34] Spanish colonial codes, therefore, remained the main influence on laws concerning women's status and property rights.[35] Across the new republics, liberals and conservatives agreed on the need to uphold paternal power within the family and community, and they disagreed only on how much influence the Church should have in such matters.[36] Within Venezuela, the discursive silence on gender accompanied a legislative silence; of the enormous corpus of legislation produced in Gran Colombia before Bolívar's dictatorship in 1828, there were no new laws that directly addressed women's issues such as divorce, alimony, family, children, adoption, and so on.[37] The one exception was that the age of majority was reduced.[38] Otherwise, women's legal status and the sphere of domestic law relied entirely on colonial codes. The government reformed domestic law with the Civil Code of 1873, which actually further reduced women's rights and strengthened patriarchal powers.[39]

In legal terms, a Spanish American wife was partially competent, in that she had property and legal rights, but most of these rights technically belonged to her husband. A wife could not sign contracts unless she had permission from her husband or, in his absence, a judge. Each spouse retained ownership of the property he or she brought to the marriage. Additionally, the couple shared ownership of communal property, which was any money they earned while married (e.g., rents, interest, or business profits). If the couple divorced, each spouse retained what he or she brought to the marriage, and they split the communal property. However, while married, the husband retained control of the property and he managed it. Though unmarried women could initiate court cases if they were of the age of majority, a married woman needed the consent of her husband, except under three circumstances: a civil or criminal proceeding against her husband, a divorce proceeding, and to write up a will.[40] A woman would, at times, sue her husband or move for a divorce because he mismanaged her property; for instance, if he sold her jewelry without permission or frittered away her dowry.[41] Though inferior to men in virtually all social and legal arenas, Latin American women had more property rights than women in most contemporary countries, including the Anglo-Saxon world.[42]

Within the household, the husband had complete legal authority over all family members, servants, and slaves. Through his permission, the wife also had power over the household members, but she had no legal authority over them. Without the husband's permission, a married woman could not sell slaves, order or release servants, or command her children.

Unmarried adult women and widows had far more legal power; they could sign contracts and initiate court cases entirely on their own. Given this greater independence, one might expect women to prefer spinsterhood to the confines of marriage. However, unless a woman were independently wealthy, husbands typically brought clear benefits—they generally outearned women and brought greater economic security, provided social respectability in a culture that favored wives over single women, and offered physical protection in an insecure world. By and large, women preferred to marry rather than to work for a living, and if they worked they did so out of economic necessity, not out of choice.[43]

THE EFFECTS OF LEGAL REFORM

In strictly legal terms, liberal reforms across the long nineteenth century left women's status virtually unchanged or worse than during colonial times. The trend toward greater legal formalism during this period very likely reduced women's rights. In late-colonial Quito, for instance, women's legal status was more fluid than one might assume; though Bourbon Reformers attempted to increase patriarchal controls, the administrative and judicial systems were sufficiently decentralized that women strategically utilized local customs and judges' discretion to remain active in business and the courts. After independence, however, women and other subalterns found that officials adhered more closely to the letter of the law, and the "law became a tool of disenfranchisement for individuals whose array of identities ultimately could not measure up to the political (and economic and racial and gender) standards of 'citizen.'"[44] Likewise, in colonial Venezuela, judges did not always uphold the letter of the law but rather used their discretion to protect the vulnerable and to maximize the public good. Republican judges, on the other hand, more closely followed the letter of the law than their colonial counterparts, which left women less protected.[45] By the end of the nineteenth century, husbands across Latin America had yet greater control of their wives' property and bodies and greater impunity in sexual matters.[46]

Two trends had a particularly strong influence in rendering women more legally vulnerable in the nineteenth century: policies that promoted the privatization of property placed greater power in the hands of family patriarchs and reduced women's traditional rights; and the secularization of society reduced the power of the Church. Because the Church had traditionally protected women from male abuse, the increasing jurisdiction of civil courts over domestic matters at the expense of the Church brought about a reduction in women's legal status within marriage.[47] Like

the state, the Church reinforced patriarchy in order to maintain "good government" of the family. But canon law supported a more egalitarian view of marriage than did civil law, as the Church expected reciprocal duties, mutual respect, and moderate punishments to characterize conjugal relations.[48]

Legal procedures regarding adultery and divorce serve as examples of the effects of secularization. Canon law was relatively gender neutral regarding adultery, as it considered adultery to be a sexual act between a married person and somebody who was not his or her spouse. Civil law, however, maintained significant gender differences. The *Siete Partidas* held that married men could punish unfaithful wives on their own, without going to court. In contrast, if a wife suspected her husband of adultery, she had to settle the matter in court and could do so only if he had a concubine (as opposed to a short-term fling) and the affair became public and scandalous.[49] Venezuelan colonial and republican civil law held that a man, whether married or single, committed adultery only if he coupled with a married woman. On the other hand, a married woman committed adultery if she was with another man, regardless of his marital status.[50] In matters of divorce, procedures in Venezuela remained virtually unchanged from 1700 through the early republican period. The only changes that occurred (in 1787 and 1825) increased the role of civil officials' authority at the expense of Church personnel. Divorce procedures, therefore, reduced the Church's emphasis on respect and reciprocity and instead favored the state's interest in preventing divorce and fortifying patriarchal power.[51]

On the other hand, though women's condition received few legal improvements, they continued to benefit from their status as a vulnerable group that needed protection from the state. Republican Venezuelan judges now paid greater attention to legislative rules, but the courts still protected women and children as vulnerable populations, as they had during the colonial regime; judges waived court costs for people who could not afford them, including women whose husbands did not provide support.[52] Though married women technically could not initiate court cases without their husband's consent, in Caracas between 1835 and 1840, women initiated 43 percent of all court cases, and of those, 47 percent were against their husbands.[53] Although the law clearly supported male dominance, women still relied on the courts as a venue to address their grievances.

Additionally, the Venezuelan courts continued to provide court-appointed attorneys for people who could not afford them. For instance, Josefa Rangel, whose scandalous life we considered at the beginning of the chapter, received a defense attorney free of charge due to her pov-

erty.[54] Further, the courts responded sympathetically when a woman could not work amicably with her appointed attorney. In 1823, Antonia Acal sought alimony after she had divorced her husband. Given her lack of funds, she requested and received a court-appointed lawyer. However, she found him unsuitable because "I have received from [him] the most acrid and uncivil treatment; I have heard from his mouth the most harsh and insulting expressions." Her attorney defended his behavior, explaining to the judge that he found Acal to be "very disagreeable . . . insufferable . . . shameless" and to stink. Given their obvious incompatibility, the court appointed her a different lawyer.[55]

The Continuation of Patria Potestad

REPUBLICAN *PADRES DE FAMILIA*

Republican society, like colonial society, saw patriarchal hierarchies as natural and the family as the basis of society. Along with many other colonial codes, *patria potestad* remained firmly in place to confirm male authority as a guiding force for domestic law. Upholding the vision of *padres de familia* as community leaders, the republican government depended on them to maintain social order and drew a close association between the *padres de familia* and the good citizen. The 1830 Constitution placed "adherence" to the Constitution "in the care of the padres de familia" (Article 228).

In turn, the republic assigned women to the same role they had held under colonial rule, to be the mistresses of the household but distant from public matters. In 1826, Simón Bolívar chastised his sister, María Antonia Bolívar, for voicing her political views and informed her, "it is very improper for women to concern themselves with public affairs."[56] In a similar vein, Tomás Lander, a renowned politician and newspaper editor, wrote in an 1844 editorial that women had a very important role in the republic because men needed to marry in order to learn civic virtue. He held that women served the republic best by acting as a reward for deserving men, and that through marriage they trained men in the virtues of service and sacrifice.[57] According to these political leaders, women served the republic through their domestic role, principally by providing education and sex: they trained men and children in civic virtue, served as a reward for heroes, and procreated.

PROTECTING WOMEN = PROTECTING CIVILIZATION

The protective posture of *padres de familia* extended beyond defending a particular woman or family honor and included a sense of safeguarding

all of society, decency, and civilization itself. Through protecting women, men protected everybody. In 1833 in Coro, Debora Levy Maduro charged Laura Müller (both were Dutch immigrants) with verbal injury for calling her a *puta* (whore). Debora's brother and attorney, Levi Maduro, propounded: "The laws of morality, of public decency, of honor, and of modesty . . . all the obligations required of men in society demand that we respect each other." To clarify the potential dangers if the insults went unpunished, Levi Maduro reminded the court of "the multitude of reasons that are chartered and consecrated as laws in all civilized countries to secure the honesty of the sex to which my sister belongs, against attacks of injury and calumny." He considered these insults particularly dangerous because they "implicate[d] a married woman . . . whose sacrosanct ties are intimately bound to the social condition."[58] The evidence and argument that Levi Maduro used won the day, and Laura Müller had to apologize to Debora and pay court costs.

Using similar logic, Joaquín González argued that he sought to protect society and morality when he charged Candelario Betancourt with insulting his wife, Asunción Linares. On March 16, 1835, Candelario got into an argument with his renters, Joaquin and Asunción. In front of witnesses, Candelario allegedly called Asunción *una puta* (whore). As Joaquín explained, "nobody can accuse a married woman of a carnal crime committed before or after the marriage except her husband. . . . One can cordially forgive injurious words except those of a nature that directly attack *un vínculo* [a tie or bond between people], that desecrate honor and destroy the concept of society."[59] For his part, Candelario denied that he had called Asunción *puta* and refused to give satisfaction. He assured the judge that "I respect and will always respect these [the laws] because I have my own legitimate woman, and I am the guardian of her respect, observing until now the honest line . . . and virtuous sentiments that I have inspired in her."[60] The judge found Candelario guilty, but he challenged the decision and dragged out the case for so long that the judge eventually threw it out of court.

As these cases show, the business of protecting a woman's honor, and thereby protecting all of society, was a responsibility that principally fell to her man. In keeping with liberal ideology of the mid-nineteenth century, a married woman such as Asunción had no role in public affairs. In the trial against Candelario Betancourt for insulting Asunción, which lasted for several months and went on for 62 folios, she did not speak once. She was silent throughout, and her name did not even appear in the court papers until the fifth folio—until that point the documents refer to her only as Joaquín's wife. As a married woman, the court treated

her as a dependent within the private sphere of her husband's household, and it was his job to speak in public to defend his domestic (private) realm. Of course, a woman might not have a man who would defend her honor. But if she did have a man, within both a traditional and a liberal framework, it was his job to protect her honor in the courts while she participated passively.

DOMESTIC VIOLENCE

Through the tradition of *patria potestad*, men retained their prerogative to use violence on the members of their households, including their wives. The patriarch's use of violence was not only a right but also a duty; just like modern police, fathers used violence in order to uphold order and reform misbehavior. Historians have found that both colonial and republican women accepted the male's right to hit them as a proper means to reinforce the family hierarchy. For example, women accepted that a husband could legitimately hit his wife if she failed to prepare food on time, spent too much time out of the house, behaved in an embarrassing way in public, flirted with other men, or talked disrespectfully to her husband. At the same time, women perceived such violence as appropriate only if the man hit her in a just, moderate way. Women would charge their husbands in court with abuse if the violence became arbitrary, cruel, or excessive.[61]

If husbands became inappropriately violent, wives would at times leave them. In 1823, William and Matilda Alton, an English couple living in Caracas, became embroiled in a court case after he nearly beat her to death. William, a tailor, told the judge that he beat her so severely because she was drunk, she had insulted him and his workmen, and he lost patience with her. Matilda agreed to drop all charges if they separated and he paid her a modest alimony (sixteen pesos per month). William agreed to this offer but he also added to the legal resolution that "this proceeding cannot now or at any time harm [William's] good reputation."[62] William had spent two days in jail during the proceeding and had to cover court costs, but otherwise suffered no criminal penalty for nearly committing homicide. In a similar vein, in 1846 Josefa Moreno of Guarenas sought an ecclesiastical divorce from Francisco Armas because he frequently got drunk and beat her, and she asserted that if she stayed with him she would "die between his hands." She moved in with her brother, and after Church authorities could not reconcile the couple, they granted her the divorce.[63] Francisco Armas suffered no criminal penalty, which was typical of civil and ecclesiastical court decisions.

The Ideal Honorable Republican Woman

> There is no circumstance in your life when you should not remember your inferiority with respect to the other sex . . . few men can resist the sweetness, the submission, the softness . . . of a woman. . . . A friendly, mild, modest woman who inspects and directs the operations of her family, who educates her children and makes her companion happy for his luck, and if in addition to these essential features, she knows how to take part in an interesting conversation, to draw with pleasure and discipline, sing with spirit and technique, and decipher a sonata on the piano, assembles together all that can attract to her respect and affection; everything that satisfies the soul, amuses and diverts the imagination."[64]

This advice from a manual on proper female behavior, published in Caracas in 1833, detailed many of the talents and attitudes that a republican woman should develop. Respectable women cultivated themselves to serve their husbands and manage their children, and entertained wider society with their charms. As throughout Latin America, elite women in Venezuela lived a life of reclusion, rarely leaving the house. The sexual restrictions on female honor meant that a woman should not come into contact with males outside her family unless she was with an escort. Men's honor required that their women remain chaste and faithful. The Briton J. G. A. Williamson noted that one rarely saw upper-class women in Caracas except on Sundays. The Sabbath was a day of dancing, music, vacations, and parties for women, the day in which women "leave their jail cells, where they remain secluded and retired according to their custom."[65] Respectable female behavior, therefore, was exclusively for the rich. Most women had to work outside their homes and could not afford to cultivate the docility, modesty, and piano skills required of "proper" women.[66] An investigation into the ideal woman, therefore, must attempt to uncover the characteristics of this ideal, as well as the qualities that nonelite women might attempt to develop in the absence of the money necessary for elite respectability.

Religion factored heavily in the rules of female propriety, as Catholic messages of chastity, humility, deference to hierarchy, selfless devotion, service, and charity dovetailed smoothly with widespread notions of female honor. The Church played a more direct role in the lives of many women than it did for men, as women attended church more frequently than did men.[67] Women's education also continued to rely more on the Church than on the government. The government developed some plans

to build schools for girls, but, like other education projects, they did not get very far.[68] Wealthier people remained the most educated because they could afford to hire private teachers or schools.[69] Those women who gained literacy, therefore, typically received their education from tutors or clergy. A girl's education, whether in a family, governmental, or Church setting, most typically involved training in reading, writing, Christianity, etiquette, and sewing, among other domestic skills.[70]

Europeans who visited Venezuela and other parts of Latin America commented on the fact that the women were less literate and educated than those from the North Atlantic. Foreigners reported that *venezolanas* were accomplished at dancing, playing the harp and piano, and some could speak a little English or French, but they had little intellectual training.[71] John Hankshaw, a British businessman, did not consider *venezolanas* to be very accomplished. They played some music but did not have much education: "like bullfinches, being fed and taught to sing, [they] are deemed sufficiently accomplished for the sort of cages they occupy."[72] Flora Tristán, a Frenchwoman who visited Peru in the 1830s, and Fanny Calderón de la Barca, a Briton who traveled in Mexico in the 1840s, both described the women of these countries as educated only to the level of having rudimentary literacy and musical skills. Otherwise, the women's education satisfied their needs to sew and take care of their houses and children. Both authors found these literate women—who were either of the upper class or in convents—to be less educated than their counterparts in Europe and the United States.[73]

WOMEN'S CATECHISMS

For elite women, or those who aspired to join the elite, published catechisms or manuals served as rule books and guides for how to behave. These manuals became "the 'Bible' of temporal life: they delivered the law to the correct citizen," and provided guidance for a woman who did not have to work or ever go outside the house unescorted. Nonetheless, for the scholar they have wider applicability. Any family that wanted to climb into the upper classes would have to imitate the upper classes and learn these values and behavior. These manuals, therefore, illuminate an ideal, even if no women could ever truly fulfill that ideal and few had the wealth even to try.[74]

The catechisms taught women how to serve patriarchal structures through all stages of life. Maidens learned submission, obedience, modesty, and sweetness, all in order to win a husband. The manuals taught that *urbanidad* (urbanity) was nothing more than bringing together those rules that one must "observe in order to communicate dignity, decorum,

and elegance to our actions and words, in order to demonstrate to others the benevolence, attention, and respect that is owed them."[75] Maidens should guard their chastity, cultivate honesty and decency, and demonstrate that their souls were candid, pure, and free of any vices: "the good and reflexive man does not appreciate indecency in his consort."[76]

The manuals also promoted a lifestyle in which a woman did not develop close friendships with other women, but rather remained physically and socially confined within the household of her father or husband. Maidens should remain enclosed and keep busy because otherwise they might become unvirtuous and lazy, and from laziness came "distractions, conversations, gossip, and looseness of the tongue with idle, dishonest, and amorous words."[77] In addition to losing virtue, highly social maidens faced another danger, encapsulated in the wise adage, "tell me with whom you walk and I will tell you who you are."[78] Such cautions appeared in several catechisms, warning against friendships because "connections are our reputation,"[79] and a maiden might lower her honor through associating with other maidens with less *urbanidad*. If parents allowed daughters to build friendships, these should only be with other virtuous maidens, and the girls must be sure never "to appear puerile, curious, or affected."[80] The restraint of the honorable woman, therefore, not only included confinement to her house but also isolation from women beyond her family. Such an upbringing presumably would make women emotionally dependent and focused on the family, and reduce the risk that they might form networks that could challenge male power.

When a young woman married, she was to dedicate herself entirely to her husband and new family and to managing the domestic sphere. According to a French manual that was translated in Venezuela, among the principal obligations of married women was to attempt to "live in holy society, guard faithfully the conjugal faith, and assist the basic needs of their husbands."[81] Another manual explained that a young wife left her own family and entered the family of her husband and, in doing so, she should "adopt herself sincerely and cordially into [her new family], and, as a true angel of peace, through her intelligent and generous influence, calm the most turbulent and impetuous elements."[82]

In order to avoid failure, a woman should turn all of her attention to those tasks necessary for "domestic governance; that is the true dominion of the woman." Hopefully, wives knew how to "sew, mend, wash, iron; understand all the details demanded by the cleanliness of the house and its furnishings . . . know all the domestic and economic tasks that correspond to each person subject to her vigilance." A woman who failed at any of these obligations would become "a heavy burden to her husband"

because he would then have to look after not only the house but also his wife.[83] On the other hand, if a woman found herself with a bad husband, she had no option other than to suffer with resignation and faith for the sake of the children: "a bad husband will often be a good father: a bad wife will never be a good mother."[84]

Another striking feature of the catechisms was that they demanded of women constant productive activity, vigilance, and emotional restraint. As the guardians of the domestic realm and the exemplars of virtue, there was little room for outbursts or relaxation. "[Women] that don't deserve the title [of wives] are lazy and careless; preferring the hammock and the window, they should attend to the tidiness of their houses." A "true mother" served as an example and model for her children and thus would not permit, "with her example, or with her silence, the errors that her daughters commit . . . in order to be esteemed as honest and preferred as faithful companions: [the mother's] good parenting therefore shines twice as much as that of men."[85] Further, during the first years of her children's lives, a "good mother" should never take her eyes off them because "at that time she is capable of making impressions on the soul that will never be erased: and at that time she should call herself to anything that can inspire in them the love of truth."[86] The ideal woman, then, never let down her guard. Her sexuality, submission, tenderness, rectitude, and labor were constantly on display in order to please her husband, win respect from society, and train her children.

Though the catechisms existed in the rarified world of ideals and the audience was mostly elite women, their suggestions were relevant to women of varied backgrounds. Throughout the century, when men wrote about the qualities they looked for in a wife, they reiterated the same characteristics that the catechisms emphasized, such as beauty, chastity, innocence, and submission.[87] Further, in court cases of *injuria verbal* (verbal injury), we find the insults that people leveled against women across the socioeconomic strata in order to delegitimize or dishonor them. These insults alleged that women had failed to uphold the standards promoted by the catechisms, whether they were married elites or maids, seamstresses, servants, landladies, and shopkeepers. These injurious words overwhelmingly clustered around issues of sexual modesty, industry, and cleanliness, all matters that the catechisms detailed as supremely important.

When litigants brought matters of *injuria verbal* to the courts, the most common insults against women impugned their sexual behavior. The single most common insult against women was the word *puta* (whore).

Alternately, the insulter might announce that a woman snuck into a whorehouse, that she had many male visitors, or that she had offered sexual services in exchange for a favor.[88] Another common insult was to call her a *vaga*, meaning a lazy bum, though people used this term far more frequently against men. Yet another common category of insult was to tell a woman that she was dirty and smelly or to call her a pig. For example, a landlord called a renter *canalla* (swine, filthy person) and said that there was pig's hair all over the place.[89] A female servant came to the house of another family, threatened to kill the wife, and called her *tocinuda*, a word relating to bacon (*tocino*) and connoting pig-like and filthy.[90] The catechisms talked at considerable length about being demure and submissive, which typically were not topics found in the *injuria* cases. To suggest that a woman did not fulfill expectations of submissiveness (implying she was too assertive or haughty) simply did not warrant a court case. However, insults about the other facets of proper female behavior—sexual modesty, keeping busy, and maintaining a clean household—catalyzed fistfights and court cases.

Legal Hurdles

ACQUITTING MEN

The complexity of Venezuelan women's status after independence is, to some degree, symbolized by their use of the courts against men for physical abuse. In such cases, women often pulled back and did not penalize men in the courts as much as they could have. Though women used the courts to seek protection and to assert their rights, they neither denied male privileges nor demanded to be treated as equals. In a fairly typical example from 1844, Antonia Péres charged Domingo Marcial for hitting her and insulting her. The court accepted the case, but later that day she returned to the court and dropped the charges.[91] That same year, Concepción Blanco won a case of physical and verbal injury against Felis Sarcedo, and the court ordered him to pay her eighty pesos. Weeks later, after he had paid her just twenty pesos, she told the court that she was satisfied and that he did not need to pay her any more.[92] We see a striking example of inconsistency in 1846 when Rosa de la Rosa charged a woman, María Rita Quintana, with verbal injury. In court, Quintana apologized, retracted her words, and paid the court costs. Later that same year, de la Rosa charged Juan Ortega with verbal and physical injury. Four days later, she told the court that they had come to a verbal agreement and she dropped the charges.[93] Though she used the courts to full effect against a

woman, when she had yet more serious charges against a man, she dropped the case so that the man did not even pay court costs.

Women probably had a variety of reasons to drop charges against men. The man may have physically threatened her if she did not do so. If he were her lover or husband, she may have thought that dropping the charges would bring about reconciliation. Or the process of punishing a male may simply have been strange and disconcerting for women raised in this society. Though the court transcripts rarely illuminate why women backpedaled, they demonstrate that women at times saw the courts as a venue for redress or protection and that the courts frequently supported their cause. At the same time, very often, patriarchal roles remained in place, as women decided not to be in the (superior) position of punishing a man.

STANDARDS OF EVIDENCE FOR WOMEN

The courts treated alimony cases, which directly challenged patriarchal authority, with different standards than for most other court cases. Aside from annulment, which was very rare and allowed people to remarry, Hispanic legislation allowed for separations that were termed *ecclesiastical divorce*. Through divorce, Church officials granted permission for the spouses to live apart and maintain separate households, though their marriage remained in force.[94] In Venezuela, as well as Mexico City, Lima, and Buenos Aires, the most common reasons women gave for pursuing a divorce were the husband's failure to provide for his family, physical abuse, and adultery.[95] Following permission to divorce, many women sued the husband for alimony (*alimentos*) in order to gain support for herself and their children. The law required a husband to provide for his children, including illegitimate children, according to his wealth and power.[96]

For a married woman to pursue alimony, however, required her to challenge patriarchy directly and, therefore, was legally problematic. A fundamental tenet of *patria potestad* was the husband's right to control conjugal property. Technically, the couple was still married though they lived apart, so paying alimony contradicted *patria potestad* because it forced the husband to give money to the wife. After an ecclesiastical divorce, the case moved to the secular courts to settle matters of property and alimony. The husband virtually always contested a request for alimony; typically, he would either claim that she had somehow failed as a wife, which meant she had to prove her honor, or he claimed that he was too poor to pay, which meant she had to prove his material wealth.[97] In Venezuelan alimony cases, the courts often sided with the mothers of

illegitimate children, especially if they could prove paternity. Wives, however, had a much harder time gaining alimony because to do so they challenged the husband's ability to control his property.[98]

Women who challenged the patriarchal order received legal treatment similar to that of *vagos*, in that the court became very interested in their reputations (see chapter 4). The trend in republican court cases, as discussed in chapter 3, was that reputation disappeared as a legitimate form of courtroom evidence, regardless of whether the litigants/defendants were male or female. When women sought alimony, however, legal standards could be different. *Vagos*, or men who failed to uphold patriarchal norms, and women who challenged patriarchal authority existed within a distinctive legal category in which reputation remained a form of legally relevant evidence as it had in the old regime.

For example, in 1837, María Antonia Blanco showed great concern for her reputation as a wife when she sought alimony from her husband, José López, an army commandant who was stationed in La Victoria. In the preceding three years, he had not visited or sent support to María and their three children, who lived in Caracas. María explained that she needed money from him "in order to sustain myself and three children without hurting my reputation." By this she indicated that she would have to work outside the house, which would diminish the family's honor. She justified her request for support based on the fact that "my husband has abandoned me without the least motive on my part . . . wanting in my spirit only his well-being and peace, I haven't done anything bad. . . . I am a woman [who has] conducted herself with the honorability that is appropriate to my condition, as is well-known [*como es publico y notorio*]."[99]

This wife's concern with reputation was not unfounded. In 1844, Merced Parra sued her husband, a German merchant named J. Cristovál Hoyerman, for alimony. They already lived apart (he was in La Guaira, she in Caracas) and were in the midst of divorce proceedings. Hoyerman defended himself against the alimony suit by launching a legal offense: he attacked her honor and simultaneously tried to gain custody of their son. He claimed that while he was away on business, she would periodically leave the house with other people and that on one occasion, when she had visited his lawyer, she had come on horseback in the company of another man. Though the attorneys did explain why, they considered her mode of transportation to be very important, and they interrogated witnesses strenuously to determine whether she had been on a horse (which was dishonorable) or on foot (which would be less inflammatory). Parra gathered witnesses who supported her claim that "they have always known

me to observe honorable and secluded conduct, without ever giving the least motive for calumny, living in the company of my husband, Hoyerman, and if ever I left to walk I was always in his company, so that I spent the greater part of time in the house, in which I remained for entire months without leaving."[100] Numerous witnesses supported her as an honorable *vecina*, as when her neighbor Esteban Escobar referred to her as "*una Señora de honor*" about whom "nobody says anything that could injure her, I am convinced that in the absence of her husband she has conducted herself with complete decorum and honor."[101]

As with Socorro Irasabel, the woman from the beginning of this chapter accused of attempted murder and a scandalous lifestyle, the reputation of a woman who did not live beneath a patriarch's protection could become relevant to the legal system. Divorce proceedings could become particularly humiliating, as testimony about the intimate details of a couple's life could come from a variety of witnesses such as "relatives, slaves, friends, neighbors, or simple acquaintances."[102] Reputation did not always appear in alimony cases, but in some instances the wife had to defend her general daily behavior to prove that she had fulfilled her obligations as a wife and mother. We find similar examples elsewhere in Latin America: in Rio de la Plata, alimony cases often required that the wife prove her morality, and such proof required the testimony of her neighbors, whom the court viewed as the witnesses to the honor and decorum of the marriage.[103]

In Venezuela, official scrutiny into the private affairs of the poor, particularly poor women, was a long-standing tradition in which the state took on the role of a disciplining patriarch. The colonial state had maintained a watch over subjects who lacked a proper patriarch to control their actions. The colonial Church protected the privacy of wealthy sinners but gave poor sinners harsher and more public punishment so that they could serve as an example to others.[104] The colonial courts also acted in the place of an absent patriarch for single women, in order to constrain their behavior and ensure their morality.[105] Continuing this tradition under the republic, *padres de familia* enjoyed the right to privacy within their homes, but single women did not enjoy this right. Acting in the role of an absent patriarch, the republican courts reverted to colonial standards of evidence in which morality and reputation could determine credibility and culpability. This heightened state control of single women was, of course, not limited to Venezuela but could be found in other parts of the Hispanic world as well.[106]

This reversion in legal standards in alimony suits occurred because wives challenged patriarchal order, not because they violated the sanctity

of marriage. If the motivation of the courts were to protect the institution of marriage, judges would treat single and married women differently, and would treat men who violated their marital obligations in the same manner as women who transgressed. However, the courts altered legal standards for women who challenged patriarchy whether or not they were married. Further, the courts did not alter legal standards for men who betrayed marriage vows through adultery or bigamy. The justification to alter legal standards, therefore, apparently had more to do with protecting patriarchal order than with protecting the sanctity of marriage. The republic strongly encouraged marriage; the government offered men political rewards to husbands, as a man could gain the right to vote at a younger age if he married.[107] Marriage was not necessary for males to gain citizenship, but it granted men some measure of legitimacy and status. Still, Venezuelan men who had sex outside the bounds of marriage did not put their citizenship or legal standing at risk.[108] For women, however, it was a different matter.

Additionally, when the republic prosecuted male bigamists as criminals, the cases followed the typical guidelines of a criminal case without reverting to colonial standards of evidence. In 1828, Pedro Lucas faced charges of bigamy for marrying Josefa Seda when he was already married to Marcelina Gómez. He arranged the second marriage by lying, as he told the priest and Josefa that he was unmarried. There was no question about his guilt, and the case mostly revolved around the court's uncertainty regarding the appropriate punishment.[109] In 1841, Lucas Padron attempted to commit bigamy when he proposed marriage to Josefa Pérez in the town of Dabajuro, near Coro, when he was already married to Juana Serrad, from Maracaibo. Again, there was little doubt of the defendant's guilt. Several witnesses confirmed that he was married and that he had proposed to another woman.[110]

The courts treated these and other bigamy cases as any other criminal case, which was distinct from how the courts treated women who threatened patriarchal authority.[111] There was no testimony about the reputation of the defendant, no commentary about how the crime was a threat to all of society, and no suggestion that the perpetrator's immorality could serve as a contagion. The investigation was solely concerned with whether the defendant was already married and had attempted to marry again. The witnesses discussed those specific issues and not the rest of the defendant's life or reputation. Notably, the women involved did not testify in court, but rather were silent, invisible, passive actors in the proceedings. Legally, wives were not supposed to testify against their husbands, but even the

fiancées did not speak. Based on the behavior of the courts, bigamy was a punishable crime but not a threat to patriarchy—it imperiled the sanctity of marriage and therefore threatened social order and should be punished; but it did not challenge male authority, and therefore the courts treated bigamists as they did other criminals.[112]

The potential threat posed by a woman who challenged a man's position prompted women to enlist legal strategies that showed themselves as loyal to social conventions. For example, civil cases of *cobro de peso* (debt repayment) tended to be very straightforward and dry, as litigants concerned themselves only with the conditions of the loan contract, the debtor's delinquency, and the debtor's plea for leniency. If the litigants were all male, or if a male represented the interests of a female litigant, the language in such cases revealed a legal culture concerned only with the terms and fulfillment of the contract.[113]

However, when a woman represented herself in court, she added language of social decorum to her legal strategy. In 1837, Ansola Merced brought José María Nieves to court because he had failed to repay a debt he had made to her late husband. As a widow, she could represent herself in court,[114] but with no male lawyer to speak on her behalf, she added to her examination of the contract several assurances that she had comported herself correctly: "[finding myself] tired of trying to collect the debt in a friendly manner without any success, I then left the town of [San Francisco] de Yare where I have my hacienda and live, to collect the debt in a friendly manner, which he denies me with frivolous contexts; and finally he has put me in the position to handle this matter judicially."[115] The widow Merced was at pains to assure the court that she had behaved in a friendly, courteous manner and that she resorted to using the courts only as a last resort. Such assurances of civility were entirely absent in cases of *cobro de pesos* when males spoke, as men demonstrated to the judge only that the debtor had failed to fulfill the contract. For women, information of politeness and deference to social conventions was legally relevant.

The Discourse of Equality and the Challenge to Patriarchy

Against the backdrop of stasis or regression in women's status, the middle period also witnessed subtle, progressive changes in attitudes toward gender roles. Conclusions on the effects of liberalism on women's status will vary depending on the types of sources one uses. If one focuses on state

laws and policies, women's status seems to regress. On the other hand, other sources such as court cases, newspapers, journals, and private correspondence reveal a far more complex picture and, in some arenas, women's status actually improved.

Numerous studies have observed that throughout Spanish America cultural assumptions about women went through progressive changes. Silvia Arrom found that in postindependence Mexico City there was wide circulation of new ideas that women could govern themselves, that wife beating should be reduced, and that the goals of marriage were love and happiness (rather than procreation and social stability). As the spirit of equality took greater root for the poor and nonwhites, the unequal treatment of women became more visible and difficult to justify.[116] In a far more radical example, in 1824, women in Zacatecas, Mexico, petitioned for full citizenship. Their efforts appear to be an aberration throughout the Americas and did not succeed, but they reveal that some women were aware of the potential offered by liberal discourse.[117]

Spanish American women also entered the arena of print culture in far greater numbers. Prior to independence, very few women published, "not having the opportunities or encouragement to exercise their intellect," and they restricted themselves to nonpolitical topics such as romantic poetry or essays on moral reform and pedagogy.[118] By the mid-nineteenth century, however, growing numbers of Spanish American women published in a variety of formats, including books, newspapers, essays, and poetry. As before, in order to pass the inspection of male editors and politicians, these authors restricted themselves to nonpolitical, domestic topics aimed at a female audience.[119] Still, a few female authors took on overtly political issues. Notable examples included Juana Manuela Gorriti, who lived in Argentina, Bolivia, and Peru, and Gertrudis Gómez de Avellaneda, who lived in Cuba and Spain. These two women went so far as to argue that women were intellectually equal to men, and in the 1870s, Avellaneda asserted that women were more qualified than men to hold political office.[120]

Rebecca Earle (on Gran Colombia) and Jeff Shumway (on Argentina) observed that women's participation in the wars, and the revolutions themselves, opened up a new conception of women as active civic contributors, which in turn promoted the notion that women could be more active politically.[121] Women in Cartegena, Nueva Granada, who participated in the fighting of the 1810s did not expect to establish new rights for themselves, but regardless of race they referred to themselves as *ciudadanas*."[122] Sarah Chambers studied elite women in Argentina, Chile, and

Gran Colombia who took on the political task of fostering national unity by building and maintaining social networks among men. These women "did not claim the right to play an active and direct role in the public sphere." Rather, they perceived their exclusion from formal politics to be a politically useful quality, as it rendered them more selfless and constant, less self-interested and factious than men, and therefore well suited to promote unity.[123]

Additionally, the young governments valorized women as Republican Mothers, civic-minded mothers who would educate their children in the virtues of good citizenship. Political and social leaders promoted women to be passive citizens who would raise children as good patriots and sacrifice them to defend the republic.[124] In Ecuador, appreciation of the contributions of Republican Mothers led to efforts to reduce domestic violence in order to protect children and to protect mothers as educators of these future citizens.[125] In Venezuela, this vision of women's special role led to a public outcry against the death sentence for a woman convicted of murdering a female slave in 1836. The murderess's numerous supporters demanded that she be spared because she was a mother and therefore a useful member of society who raised citizens and served as an example of domestic virtue to the rest of society. This public scandal revealed a new attitude that women played an important political part in the republic through their maternal role.[126]

Some Venezuelan women used the widespread spirit of freedom to push against their gendered restrictions. Arlene Díaz noted that republican *venezolanas* were far more assertive in their use of the courts than previously assumed, and that they employed liberal precepts in their legal arguments for greater personal autonomy and control over their property.[127] Further, some women pushed their voices into public debates. María Antonio Bolívar, the sister of Simón, was a staunch royalist who opposed the republican movement from the start, principally because she supported traditional social hierarchies. After the war, she voiced her political opinions so vociferously that twice in 1826 her brother told her to be quiet because, as he put it, "a woman should be neutral on public matters. Your family and domestic duties are your first obligations." Despite these admonitions, María Antonia continued to criticize the government on numerous policies (e.g., the invasion of Peru and the new legal system), to launch verbal attacks on anybody who criticized her brother, to support his dictatorship, and, after his death, to beseech the government of Nueva Granada to repatriate his remains.[128] Though a royalist conservative who advocated old regime hierarchies, María Antonia clearly believed

that her political views deserved a place in the public sphere, regardless of her gender.[129]

By mid-century, public discussion on the topics of women's rights and equality had reached the point that some leading writers felt moved to refute such ideas. In 1844, Tomás Lander, a prominent politician and writer, mentioned that some Venezuelans had suggested that women should serve in Congress. Lander mocked this idea because women's duties lay in the home, and to allow them to serve in Congress would reduce that deliberative body to the level of "the ignoble senate" that conceded its power to Caesar.[130] Decades later, in 1864, Felipe Larrazábal, another politician and newspaper editor, voiced this same opinion as he explained that, even though women may have intelligence superior to children, the laws of decorum and their state of dependence demanded that they should remain distant from public assemblies and abstain from elective positions.[131] Though the discussion of women's rights was hardly a prominent feature on the landscape of political discourse, it was also not entirely absent.

Women Fight for New Rights in the Courts

Though there was little public debate on women's status, it was a contentious topic in the courts. Women mounted legal arguments based on liberal principles (e.g., inalienable, individual rights to equality and property) that were in harmony with the Constitution but contradicted the prevailing civil code. Nobody seriously questioned the need to uphold patriarchy, but the courts became a locus of debate on ways in which patriarchy would have to change under a liberal-republican regime. As discussed earlier, liberalism did not bring progressive legal or policy changes to Latin American women's status until a century after independence, but over time it helped to move cultural attitudes to favor greater gender equity. Within the courts, independence prompted women to press for rights as citizens and challenge their traditional subordination.

Venezuelan women appear to have adopted liberal paradigms and language into their legal arguments with the onset of independence, far earlier than scholars have found in case studies from elsewhere in Latin America. Arlene Díaz found that by the 1830s, *venezolanas* utilized liberal concepts of individual rights and the constitutional premise of legal equality to limit men's ability to control their property or to hit them.[132] For example, republican wives used the Constitution's premise of individual natural and civil rights to try to stop domestic abuse or to wrest

control of the family's finances from a negligent husband. Men challenged these arguments, holding that patriarchal power was customary and natural, not contingent, and they accused their wives of using the "subversive" principles of the Constitution to defy male authority and undermine the honor code. One result was a legal nightmare for judges, as wives pitted constitutional principles against their husband's legal arguments, which were based on custom and civil codes.[133] Marriage conflicts in the courts, therefore, serve as an apt metaphor for the legal and cultural ambiguity that independence brought to women's status.

In contrast, studies on republican marriage disputes have found that women in other regions continued to use traditional legal arguments longer than in Venezuela. In early republican Arequipa (Peru), Mexico City, and Sonora (Mexico), women fought to stop physical abuse or to limit the man's control over family property with appeals to traditional notions of reciprocity and a man's paternal obligation to protect and provide for his family.[134] In Mexico City, women abandoned these traditional norms and utilized more liberal concepts only after the reforms of the 1857 Constitution, when they began to base their legal arguments on notions of contract, individualism, and natural rights.[135] An exception can be found in disputes over property and dowries in Lima, during which women used liberal notions of their economic contribution to the marriage, reason, justice, and reciprocal obligations to prevent their mistreatment by their husbands.[136]

These new conceptions of women's rights accompanied changing attitudes toward marriage. During the colonial period, Venezuelans perceived marriage as mystical and deeply religious. The conjugal bonds were a contract made through divine law and natural law that formed the basis of society and therefore were sanctified as a sacrament.[137] By the 1830s, court documents over marital disputes show women conceiving of marriage in far less mystical terms. They still used the language of contract and mutual obligations, but no longer described the contract in terms of religious bonds or ancient custom. Rather, both elite and nonelite women described the marriage contract in secular, material terms based on the Enlightenment concept of the social contract: an agreement between citizens who are rational and fundamentally equal. Women maintained that within marriage they were subordinate to men but that they were equals before the state and the law, and each spouse had a natural right to property.[138] Studies on Mexico City and Lima also indicate that by the 1830s women increasingly viewed the marriage contract in secular terms connected to individual rights and satisfaction, though they had not adopted liberal terminology as broadly as found in Venezuela.[139]

The *venezolanas* did not seek anything approaching full equality with men. They did not seek full political rights (e.g., voting and holding office), nor did they refute their subordinate role to men. Nonetheless, they sought equal legal rights within marriage and demanded that marriage be based on a contract-like reciprocity, so that husbands could enjoy their dominant position only if they fulfilled their responsibilities to use violence judiciously and to provide and protect.

Alimony and the Right to Property

In 1801, in Ocumare de la Costa, María de Jesús Ponte requested that the courts help her to collect *alimentos* (support, allowance, alimony) from her husband, Pedro Nolasco Bustamante. Pedro had abandoned her and their daughter nine years ago and, according to María, now ran a store in Caracas but had not sent any of his profits to her. She implored the court to force her husband to send funds as she and her daughter were "poor in spirit . . . poor and naked and forced to request alms without hope of another solution other than to become beggars."[140] The underlying logic of her legal argument was that a husband should support his family and that the court should intercede because she was so pathetic and vulnerable that she needed protection. This remained the premise of women's arguments for alimony through the first decade of independence. By the 1830s, however, the arguments changed to adopt liberal notions of property rights, equality, and marriage as a secular contract.

Women constructed their legal arguments for alimony in the first decade of independence in much the same way they had during colonial times. In 1823, two years after they had divorced, Antonia Acal sued her husband for alimony to support her and their son. She pleaded, "I need . . . alimony that he should provide because it is his obligation, and it has been years since he has provided, and I live with a thousand miseries [*mil miserias*] and I work, as is widely known . . . he has not sent me even the littlest help."[141] We see a similar argument in 1827 when Juana María Fernández asked the court to locate her husband, Antolín Saltrón, who was a corporal working in a military hospital. While she lived in Caracas, he was stationed in Puerto Cabello. He did not send her any support and, in recent years, had even stopped writing. She requested that the court force him to give her half of his salary. She justified this request on the fact that "he stopped upholding even the appearances of his duties and religious obligations." She also apologized for bothering the court but found herself with no other options: "I find it very painful to bother you [the judge] . . . and I hope you will excuse this [request], but in the scarcity and misery of the present

circumstances, and finding myself overcome like a bad hysteric who frequently finds herself on the edge of the grave, [all this] puts me in the extreme need to raise my cries to whomever can help me."[142]

In these arguments, women justified their request by highlighting their status as vulnerable, dependent women. They defined themselves as living in misery or as a *miserable*. A *miserable* (literally "wretched one") was a legal category that referred to somebody who was pathetic and vulnerable and needed special protection from the Church or state.[143] The authorities, in turn, were obliged to help a *miserable* out of a sense of justice and Christian charity. Wives requested the court to force their husbands to fulfill their obligations to provide, and they based these requests on their status as women and as *miserables*. Women enlisted this argument even when they clearly were not powerless. When Antonia Acal sought alimony in 1823, as discussed above, she fought with her husband over slaves and haciendas. She successfully convinced the court to provide her with an attorney and, when she did not like him, she convinced the judge to give her another more to her liking. She later complained that the local judges were all friends of her husband, and she successfully had them recused from the case.[144] Throughout, Señora Acal proved herself to be shrewd, strategic, bold, and effective. Nonetheless, her husband controlled the family property, and the legal justification to get some of it lay in presenting herself as a helpless woman.

Then, in the 1830s–1840s, the arguments for alimony underwent a notable change, as women utilized far more liberal criteria to justify their claims to property. In 1837, María Antonia Blanco sought alimony from her husband, a military officer who was stationed elsewhere and who had not supported her or their three children in three years. Whereas earlier requests for alimony typically described the husband's material responsibilities in terms of ancient custom or religious obligations, María made the request using the language of secular contract and civic duty. She asserted that her request for support "emanates from the betrothal contract that he celebrated with me in this capital city," and she noted that the support was necessary so that her children could "receive an education in order . . . to be useful to society."[145] Combining the notion of a secular contract between individuals, in which she held up her end of the bargain but her partner did not, and that of the Republican Mother who would raise children to serve the republic, she successfully convinced the court to begin litigation against her husband.

One of the more dramatic examples of this change in legal strategy occurred in 1843 when José Esteves threw his wife, María Guerra, in jail,

and she then sued him for alimony. According to María, over the course of their thirty-year marriage, they had amassed a fortune through their business. She had worked very hard with him to build their wealth, "suffering as a result of all his deviations and errors, and economizing the great number of expenses that he incurred due to his family and friends who wanted him to lose it all." Now that they were wealthy, María explained, her husband had acquired a number of exploitative friends who leeched upon their wealth, taking advantage of the "imbecility of my rich, ignorant [husband]." When she attempted to stop the extravagances and "insolvent loans" the friends secured from José, they convinced José to turn her out of the house and then to throw her in jail for six days without charge.

Then María had had enough; she wanted a separation from José and demanded that he turn over her money. As she put it, "half of my husband's wealth is mine. . . . He is not obliged to jeopardize his wealth with unnecessary loans and obligations, but he is obliged to support me, give me a place to live, furnish me with all I need and equip me with all elements for a more fortunate life." María then spelled out her demands: a house, a slave or the salary of a servant, a monthly stipend, and legal expenses.[146] José immediately agreed to all of her demands, because he wanted "to avoid the continuation of a lawsuit that will become scandalous and disagreeable."[147] María's argument marked a clear difference from older alimony cases, as it assumed that she had an inherent right to property. She owned half of the couple's wealth because she had helped to earn it and because she had a right to property. She did not apologize for hampering her husband's patriarchal rights. She insisted that he provide support not because of custom, religion, pity, or her pathetic condition, but because the money was hers in the first place. This argument possessed significant legal traction, as both the court and her husband respected it and she gained everything she demanded.

Not all cases from the 1840s so manifestly ignored patriarchal prerogatives, but they relayed a clear sense of a marriage contract that was secular and in which women had individual property rights. In 1844, when Parra Merced sought alimony, she depicted the material nature of the marriage in very secular, economic terms. She explained that she made a "claim for alimony and legal expenses that a husband should provide to his woman." Her request portrayed only the economic nature of the marriage and the fact that, as the marriage had dissolved, her husband should "supply the obligatory support in compliance with the appraised value as determined by a verdict of experts."[148]

Similarly, in 1846 Josefa Moreno sought divorce and alimony from Francisco Armas because when he got drunk he would beat her so severely that she feared for the lives of herself and their children. Josefa composed a series of questions for her attorney to ask witnesses, which included the query, "considering the goods that my husband possesses, is he able to send me a small pension as alimony during this separation caused by him by the way he abused me?"[149] She placed the blame for the divorce, and her need for alimony, squarely on her husband's shoulders. In these cases, the wives did not argue for alimony based on their status as women or as *miserables*, but rather because once the divorce came through, they had a legal right to a portion of the couple's property. Regrettably, both of these cases end before we see the judge's final decision. As in most of the alimony cases, the majority of the paperwork concerned squabbling between the couple over the husband's wealth, as he would attempt to prove that he simply did not have the money to pay alimony, and she would try to prove that he did.

All this is not to say that women entirely abandoned the protections of being *un miserable*. In other types of cases, women at times described themselves in such terms if doing so was expedient. In 1844, Narcisa Mohedano charged Vicente Paes with entering her house and attempting to murder her with a machete. In her initial statement, however, she could not show the authorities any injuries or other material evidence to support her story. Her witnesses, two women who worked as domestic servants, did not help: one saw nothing and the other saw Vicente leave Narcisa's house holding a machete and shouting insults, but the witness had neither seen nor heard a struggle. After this unhelpful witness testimony, Narcisa made another statement, this time utilizing a different strategy that sought sympathy for her position as a weak woman: "The quality of being a poor woman deprives me of the right to make a formal accusation against the crime committed against my person, so I have no resources to give me hope. . . . Nonetheless, my misery will not stop me from trying a legal route, for which reason I pursue the investigation and punishment of this crime."[150] This argument was technically inaccurate: as a single woman older than 25 years old, she had every right to represent herself before authorities, particularly in a criminal case of attempted murder. Nonetheless, when she found herself with no supporting evidence, she attempted to persuade the court by presenting herself as a defenseless, poor, *miserable* woman who needed protection but lacked even the most basic legal rights. The judge, however, was not moved. He found that the accusation lacked merit and threw it out.

In sum, within the realm of alimony cases, by the 1830s–1840s we see a definite change in the arguments that women constructed as they no longer defined themselves through group identity (women) and as weak (*miserables*). Across class lines, women with slaves and haciendas as well as the wives of army corporals argued that they deserved alimony based on individual rights and their contribution to the marriage. We see similar changes in women's arguments for child support in Mexico City after the liberal reforms of 1857.[151] *Venezolanas* were not full citizens, but they described their rights within the marriage in terms that resonated with notions of citizenship such as equal property rights and mutual obligations based on a contract between equals. As they challenged their husbands, they insisted that they had a right to property rather than a right to charity or mercy.

Conclusion

Across the middle period, progressive changes in women's status occurred at the level of cultural attitudes and courtroom arguments rather than at the level of economic, political, or legal structures. For this reason, scholarly debate regarding changes in Latin American women's status across the long nineteenth century remains unresolved. State laws and policies present a picture with no progress for women (i.e., not moving toward greater legal and political equality). At a time of such seismic changes to inherited status, the consistency of women's status illuminates how critical patriarchy was to the republic. While legal, political, economic, and social structures and practices underwent profound transformations, male dominion over females remained unquestioned and unchanged. The republic sought to combine liberal reform with unreformed patriarchy. Culture, law, and religion had for centuries naturalized women's subordination. Honor codes and political theories from the Age of Revolution retained the assumption that sociopolitical structures could survive only if women remained confined to the private sphere and blocked from public affairs.

Venezuela's state and society repressed any effort to challenge patriarchy. Women who sought to gain greater control or autonomy had to do so within the terms of traditional patriarchy. Women who stepped outside of or challenged patriarchal authority received public condemnation and a different set of legal standards. This same logic applied to *vagos*, or men who failed to uphold patriarchal norms, and helps to explain why they also faced different legal standards. Like a *vago*, a single woman with

questionable morals or a wife who pursued alimony faced witnesses who opined as to whether she had complied with patriarchal norms. Because courtroom witness testimony had a powerful effect on a woman's credibility, women had to defend their reputation in court whereas other defendants did not.

Women's catechisms, which taught maidens and wives how to comport themselves, depicted the ideal woman in all her feminine glory and impossible standards. She should be docile, subordinate, and well-endowed with a martyr's spirit of self-sacrifice; the Republican Mother should be all giving and long-suffering on account of her husband, children, and republic. The proper, honorable woman served her patriarchal lords—be they father, husband, or republic—with unswerving chastity, fidelity, and composure. In turbulent times, the republic required a stable society, which meant *padres de familia* should control their families and women should obey their men.

Nonetheless, amid all this stasis, independence brought changes to women's status, though the changes were subtle and ambiguous. Documents outside of legislation and official proclamations, such as court cases, newspapers, journals, and private correspondence, illuminate progressive changes in some parts of the popular mind-set. Women's participation in the war, their role as Republican Mothers, and the spirit of liberalism caused some Latin Americans to see women as civic contributors to the republic. Over time, the language of equality, used so frequently in terms of class and race, made it more difficult to deny equality on the basis of gender. Simón Bolívar and other dominant males expended ink in letters and newspapers in an effort to silence women who insisted on voicing their ideas in public forums. By mid-century, increasing numbers of women throughout Latin America wrote in periodicals targeted to women. Though these authors had to avoid political topics and restrict themselves to domestic issues that were "proper" for a female audience, they served as a female voice that reached beyond the confines of the household and entered the public realm.[152] More so, a few women wrote to a wider audience, took on overtly political topics, and even advocated political equality.

Venezuelan court cases show that a liberal notion of marriage contract and property rights had developed by the 1830s–1840s. In numerous types of domestic legal cases, *venezolanas* used liberal paradigms earlier than we have seen in similar studies in other countries (principally Mexico and Peru), though we will require far more research across Latin America before we can speak of generalities with greater confidence. In cases of

domestic abuse and control of property, *venezolanas* demanded a level of reciprocity and individual rights that weakened male dominion. In alimony cases, *venezolanas* no longer pressed for their interests through describing themselves as *miserables*—pathetic, vulnerable, and in need of protection—but rather pronounced themselves as citizens with inherent rights to property. As we have found in Mexico and Peru, *venezolanas* came to describe the nature of marriage in far more secular terms; in the courts, they treated marriage not as a sacrament full of mystery but rather as a human-made contract. They described themselves as subordinate partners within this contract and accepted male domination, but at the same time they insisted that marriage did not erase their individual rights to property and freedom from abuse. Men and the state protected *patria potestad*, and women did not challenge the legitimacy of this ancient legal practice. Nonetheless, they described *patria potestad* as a matter of reciprocity—men could enjoy their power only as long as they upheld their side of the contract. They insisted that husbands pay alimony not out of pity but because they were contractually obliged to do so.

The inconsistencies within the courts served as a microcosm of wider ambiguities regarding women's evolving status before the law and society at large. Like men, an honorable woman should work hard, be productive, and respect authority and the law. She should never, however, aspire to override male prerogatives. At the same time, in the courts women infused their arguments with liberal tenets of equality and property rights that contradicted the colonial legacies within the civil codes. Women sowed legal confusion as they demonstrated that, if they were to be good Republican Mothers who protected their children and their property rights, the rules of patriarchy would have to be modified.

CHAPTER SIX

Liberalism Without a Loyal Opposition

The Elite Consensus Cracks, 1830s–1840s

In the preceding chapters, we have considered the evolution of political and legal institutions and the culture of honor as well as how liberals came to dominate Venezuelan politics. The remainder of the book will explore the destruction of the *Conservative Oligarchy*, a term that refers to the regime that governed from 1830 to 1848. This story includes several intertwined narratives: oscillating commodity prices and deregulated credit markets caused economic troubles, which in turn catalyzed political tensions; the consensus among liberal elites ended as they split over economic policies and formed two political parties, the Liberals and the Conservatives; the rural poor rose in rebellion against the Conservative Oligarchy and attempted to ally with the Liberal Party; the violence between classes and between elite factions weakened republican institutions and gave rise to sovereign Venezuela's first authoritarian regime. This chapter focuses on how political discourse exacerbated the rupture among elites. The next chapter will examine why the poor rebelled and how the uprising helped to destroy the Conservative Oligarchy and usher in a new regime.

In large part, this chapter explores how the elites managed an economic crisis as revealed through debate in the press, and shows that they lacked a political culture that could manage this level of political stress through liberal paradigms. The chapter will first provide a brief description of economic and policy conditions, the formation of political parties, and the path to rebellion. The investigation will then explore the debate over these economic and political troubles within the press. Though all sides

espoused the value of a free press, they had not embraced the notion of loyal opposition and therefore described opponents as traitorous enemies. In the absence of a cultural acceptance of loyal opposition, public discourse in the press did not protect liberty or create a healthy public sphere but rather delegitimized the state. Discourse among elites, therefore, reveals how the country's institutions (e.g., free press, elections, and political parties) adopted liberal paradigms more rapidly than had the political culture. In the words of historian José Gaos, "The forms of political organization will change considerably faster than will customs and moral ideas."[1]

Commercial-Financial Power and Deregulated Credit Laws

The intense disagreement over financial policy that occurred is somewhat surprising given that most elites and the government embraced the rise of commercial power and an orthodox version of liberal economics (capitalism) that promoted contract, free trade, and minimal governmental intervention in the economy. These policies gained legitimacy through a rapid expansion of trade and exports (see figures 1.2–1.4). As Vice President Diego Bautista Urbaneja said in his 1833 report to Congress, "There is nothing more just than allowing each person the possibility to engage and dispose of his goods freely, because there is nothing more certain than that nobody will be more wary, long-sighted, and interested than this same person in determining and calculating with relation to his obligations."[2]

Putting action to these sentiments, Venezuela endeavored to open its market and prosper through transatlantic trade. In 1829, Venezuelans formed the *Sociedad Económica de Amigos del País* in order to facilitate communication, educate the public on economics, and promote free market policies. To foster foreign investment, the 1830 Constitution (Article 211) guaranteed the payment of foreign debt. As Bolívar had said, "The national debt . . . is the deposit of Venezuela's faith, honor, and gratitude."[3] Between 1830 and 1845, the Treasury allocated 37 percent of state revenues to pay down the government's loans, thereby establishing strong credit both domestically and with foreign investors.[4]

One of numerous obstacles to economic recovery after independence was the scarcity of credit. In 1833, Antonio Leocadio Guzmán, the Secretary of the Interior and Justice, described the troubles that caused lack of principal for loans: "It is well known that we possess abundant fertile land, and that our principal wealth comes from agriculture; but what we don't

have is sufficient capital to give it the impulse that will make it extensive, flourishing, and remarkable."[5] The typical creditors from the colonial period (Spanish merchants and financiers, wealthy Venezuelans, and the Church) no longer had sufficient capital, and the money from incoming foreign loans mostly went to the government rather than to individuals. There were no domestic banks until 1839, so friends, family, and associates were the main sources of private loans.

Additionally, colonial lending practices provided a disincentive to lenders. Colonial lending laws, which were still in effect, capped interest at 6 percent and established an array of protective measures for debtors. A debtor could demand a moratorium from his creditors if he needed time to stabilize his debt payments. If a debtor defaulted, the auction price for his collateral had to be close to its actual value, which sometimes meant that the creditor could not sell the collateral to recoup his money. Under these circumstances, loans were difficult to obtain, and creditors charged illegally high interest (up to 120 percent) to cover the risk.

The solution to this credit problem came in the form of the 1834 *Ley de Libertad de Contratos* (LLC) (Law of Freedom of Contracts). The main features of the LLC stipulated that interest rates could float on the market, a creditor could sell all of a defaulted debtor's goods "for the amount that is offered for them at the indicated day and hour of the auction," and the creditor himself could bid at the auction.[6] An additional law in 1841 stipulated that a debtor could gain a moratorium in his payments only if he attained agreement from all of his creditors.

These credit laws embraced liberal notions of contract and free market, but also stripped away long-established protections for debtors. Parties had much greater freedom to negotiate contract conditions, and the free market set interest rates and the price of collateral resale. These changes left debtors in a far more precarious situation than they had been previously, and the risks were both economic and political as the Constitution stated that a "failed debtor" would lose his ability to vote or hold office.[7] The solution to the credit problem proved to be ruinous to some portions of the population.

Successes and Failures of the New Credit Laws

At its inception, both *hacendados* and merchants supported the LLC because of its promise to help capital flow and, with its protection of creditors, to encourage foreign investment. One result of the new credit laws was the creation of the country's first banking system, which grew from

both foreign and domestic capital and drew depositors from a wide range of economic strata. The Colonial Bank of London opened in 1839 under joint Venezuelan–British management. In 1841, Congress established the National Bank of Venezuela, with its headquarters in Caracas and five branches throughout the country. That year the country saw its first savings bank (*Caja de Ahorros*), with branches in Caracas and La Guaira. Built to promote the practice of saving money among the lower and middle classes, the bank attracted thousands of deposits from a broad swath of society, including slaves, merchants, artisans, servants, and students.[8]

The LLC also successfully reduced interest rates to manageable levels (e.g., 9 percent to 12 percent) and freed up credit. With access to loans, *hacendados* cleared land, ploughed fallow fields, and expanded production. From 1835–1836 to 1841–1842, Venezuela enjoyed an astounding 90 percent increase of national export values (see figure 1.3). Such figures appeared to vindicate the new credit laws as a mechanism to increase production, efficiency, and national wealth.

Coffee prices rose for just one year after the LLC came into effect, but then they dropped and remained well below 1835 levels (see figure 6.1). Prices did not reach 1834–1835 levels again until 1871. The decline in price soon revealed the vulnerabilities of an economic strategy that relied on available credit, abundant labor, and rising commodity prices. Whereas cacao had been Venezuela's principal product in the late colonial period, after independence planters preferred coffee because it fruited in less time and bore a higher yield per hectare. The production of coffee tripled throughout the 1830s (see figure 6.2), and the economy became relatively dependent on this single product. From 1830 to 1850, coffee accounted for approximately 30 percent of all exports, and coffee and cacao combined accounted for roughly 50 percent of all exports.[9]

This conversion to coffee not only left the economy vulnerable to price fluctuation but also required planters to take on a considerable debt load. The planters did not adopt new techniques or technology, but rather increased production only through cultivating new land. As planters moved into less accessible areas, they faced added transportation expenses because the country's roads were in bad condition. Dropping coffee prices sent planters into a spiral of debt. As prices dropped, in order to pay off their current debt load, planters had to increase production, which meant taking on more debt. Unfortunately, the more they produced, the lower coffee prices fell, which made paying off the debt yet more elusive.[10] As figures 6.1 and 6.2 demonstrate, even as coffee prices fell after 1835, planters increased production as they struggled to pay off their debts. The

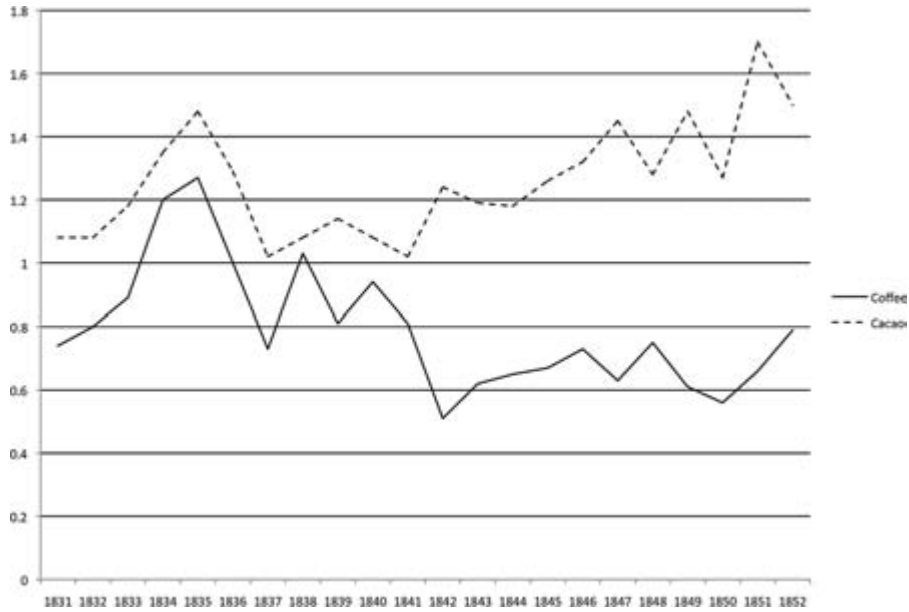


Figure 6.1. Average price of coffee and cacao (real per pound/year). Data from Tomás Enrique Carrillo Batalla, *Cuentas nacionales de Venezuela, 1831–1873* (Caracas, Venezuela: Banco Central de Venezuela, 2001), 572–73.

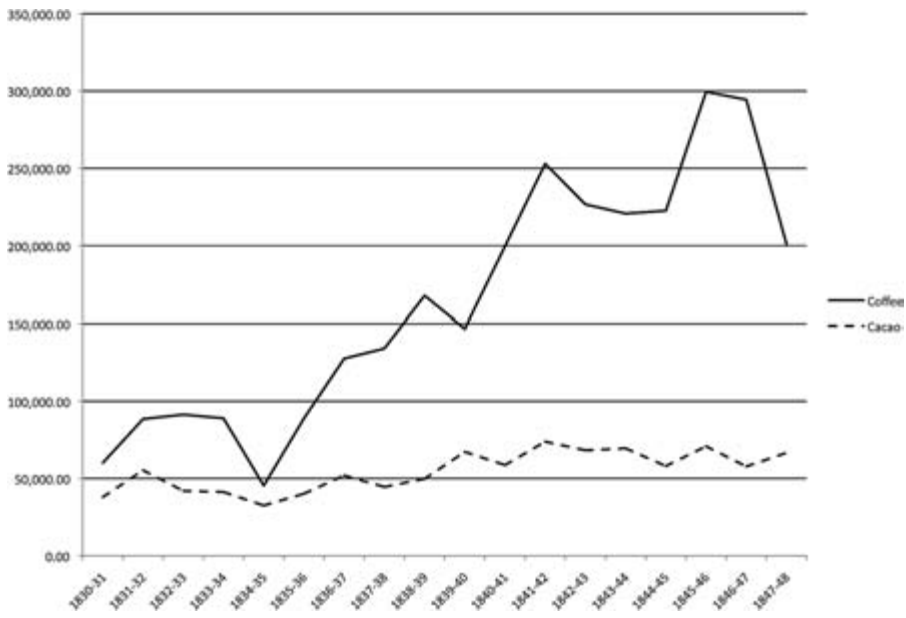


Figure 6.2. Exports of coffee and cacao (sacks/year). Data from Tomás Enrique Carrillo Batalla, *Cuentas nacionales de Venezuela, 1831–1873* (Caracas, Venezuela: Banco Central de Venezuela, 2001), 47.

year 1842 marked a crisis in the economy, as coffee prices plummeted to 43 percent of what they had been in 1834, when the LLC came into effect.

To date, Venezuelan historiography lacks a comprehensive study of the amount of property that was sold at auction as a result of the LLC, so a detailed quantification of the law's destructive effects remains elusive. Nonetheless, the LLC clearly stimulated increased legal action against debtors, as the number of court cases to collect debt tripled from 1834 to 1838 (see figure 3.3). In 1838, Tomás Lander described the LLC's effects as "ruinous and absurd,"[11] and in 1845 he wrote that within a recent "short period of time," 212 merchants and agriculturalists had been brought to the mercantile tribunals for bad debt.[12]

Liberals Versus Conservatives

The LLC catalyzed intense factionalism because some *hacendados* and merchants suffered bankruptcy while others prospered; exports continued to rise, and the current policies brought great wealth to some.[13] In 1838, an opposition faction formed to oppose the current policies, and both sides came to use the press as one of their principal weapons. In newspapers such as *El Venezolano*, *La Bandera Nacional*, *El Nacional*, and *La Gaceta de Carabobo*, the opposition argued that the LLC had unjustly stripped people of their property and that the unprecedented number of bankruptcies put the country's economy at risk. In 1840, the antagonism grew to the point that the two factions established formal political parties: the Conservative Party, representing the faction in power, crystallized around the figure of President Páez; the Liberal Party formed the opposition and was led by Antonio Leocadio Guzmán, the former Minister of the Interior.

Composition of the Liberals and Conservatives

As was the case in other Latin American republics, the political parties did not represent pristine ideological positions, and their members were not clearly divided along economic or social lines. In simple terms, people who benefited from the current regime joined the Conservative Party, while those who suffered under the status quo joined the Liberals. In the press, both sides described party membership in dichotomous moral and ideological terms, but in reality the composition of each party was too heterogeneous to fit into such neat categories.

Throughout the 1840s, the LLC remained the single most divisive issue, and questions surrounding credit and interest formed the principal axis along which the two parties coalesced. The Conservative Party, which controlled the presidency and Congress, contained those politicians that supported the LLC and the current economic policies. The Liberal Party represented those who opposed the LLC and, because of its minority status in Congress, embodied the opposition. It should be noted that the names of the two parties were the opposite of what one might expect. The party that promoted orthodox liberal economics was called the Conservative Party, while the party that advocated greater government intervention in the open market was called the Liberal Party. To make matters more confusing, the main periodical of the Conservative Party was *El Liberal*, aptly named because it espoused liberal doctrine. The main organ of the Liberal Party, meanwhile, was *El Venezolano*. The ideological reversal of the parties' names came about because the Conservatives strove to conserve the status quo, which happened to be a highly liberal policy.

The platform of the Liberal Party reflected its heterogeneity: revocation of the LLC; the end of slavery; a complete amnesty for all participants in the *Revolución de las Reformas*, including the exiles; and the abolition of the death penalty.[14] The Liberal Party contained an unusual alliance of *hacendados*, merchants, and artisans that resisted the current economic policies. Many *hacendados* and merchants joined the Liberals because they depended on loans to conduct their businesses, and they suffered under the LLC. Artisans joined the Liberals because they suffered under the tariff system and hoped for change. Other disparate groups that found themselves alienated by the current regime also joined the opposition. The rural poor (peons, farmhands, and skilled laborers) tended to support the Liberals because they disliked the current regime and because rural unemployment rose when haciendas went bankrupt. Old *bolivaristas*, eastern *caudillos*, and *reformistas* also joined the Liberals, united by their rivalry against an administration run by Páez.

Provincial urban elites formed parties that recapitulated the Conservative–Liberal split that originated in Caracas. The conservative provincial parties tended to be more socially conservative than their Caracas analogue, but the real topic of debate was economic policy, not social policy. Provincial elites divided along party lines based not so much on ideology as on whether they benefited or suffered under the current system. In Maracaibo, for instance, the faction that pursued traditional regional autonomy and resented the hegemony of Caracas allied with the Liberals. In turn, the

faction that enjoyed greater patronage from the capital aligned with the Conservatives.[15] In Coro, the emergent elites that sought to improve their status allied with the Liberals while the dominant elite class, struggling to hold onto its position, aligned with the Conservatives.[16] As elsewhere, the main fault line was whether a person supported the status quo (Conservatives) or wanted change (Liberals).

The Struggle for Control—Elections, Populism, and Coercion

The political competition took a new direction in the early 1840s, as the interests of the Liberal Party and rural agitators began to coincide. Particularly after a painful downturn in export prices in 1842, members of the rural lower classes started to demand greater participation in politics, a more equitable distribution of farmlands, and the end of slavery. Bands of men began to attack haciendas or jails in order to loot, free their compatriots, and apply pressure for greater social change. Because the Liberal Party represented the opposition and opposed the LLC, these bands associated themselves with this party and announced Antonio Leocadio Guzmán, the head of the Liberals, to be their leader. In a sense, this allegiance made sense, in that the Liberals advocated greater governmental support for artisans, the full eradication of slavery, and expanding the franchise. On the other hand, the Liberal Party had originated in part to support *hacendados*, the very people that most opposed any sort of organized movement by the rural poor. These uprisings, and their association with party politics, will receive greater attention in the following chapter.

Despite their ambiguity toward the rural poor, Liberals soon became associated with representing the rights of the disenfranchised. Though the poor could not vote, the Liberals could use them in large numbers to intimidate Conservatives, particularly those that lived in the countryside. Mobs of rural poor, shouting Liberal slogans, attacked haciendas. The exact level of involvement of Liberal politicians in these mob events cannot be determined with any precision. Conservatives, however, assumed that Liberal demagogues would use inflammatory rhetoric to turn crowds into an enraged mob, and then would slip away as the mob turned violent. The Conservatives saw the situation as confirmation that suffrage rights should not be expanded; they feared that increasing the power of the poor would cause disorder. The Conservatives, therefore, soon associated the Liberals with anarchy and the tyranny of the mob.

By the mid-1840s, the situation became increasingly caustic and the possibility for compromise became more and more elusive. The Conservative-led government became repressive of the opposition; officials arrested people who displayed Liberal paraphernalia, and troops moved against public gatherings in several municipalities. This repression, of course, only increased the Liberals' sense that the governmentwas authoritarian. In Congress, the two parties could not reach a compromise, and elections failed to pacify the situation. Either Páez or CarlosSoublette had consistently held the presidency since 1830, except for the years 1835–1837. Liberals complained that the presidency seemed to be the private domain of these two friends who led the Conservative Party. When Conservatives used fraud and force to win the 1846 presidential election, *hacendados* and rural poor took up arms against the government in a disorganized, ineffective rebellion that lasted until 1847.

Within this context of economic pressure, political fracture, social unrest, and violence, elites debated the issues of the day in a variety of forums. This chapter will now turn to the nature and consequences of this debate as it occurred in the press.[17]

The Debate in the Press

The Role of the Press: Defender of Liberty, Source of Chaos

During the struggles of the 1840s, the press proved to be a powerful tool for both the Liberal and Conservative parties as they attempted to move public opinion and to garner popular support. By this time, the press had a relatively short history in Venezuela. Printing presses first arrived in 1808, in the wake of the king's abdication, and came to serve as propaganda tools during the ensuing wars.[18] After independence had been secured, the Venezuelan press became a powerful element in republican life because it distributed information on commercial news, political developments, human interest, local flavor, and the concerns of individual citizens. Republicans throughout Latin America recognized the press as a double-edged sword. On the one hand, they considered an active press to be necessary for the survival of republicanism and enlightenment. As Juan Vicente González penned in 1844, "The freedom of the press recognized by the Constitution is neither the privilege nor the concession of a party, but rather the imprescriptible right of all Venezuelans. The safeguard of

all other rights, to conserve it is to sustain the Fundamental Code, the dignity of the patria, and our liberty."[19] On the other hand, intellectuals and leaders recognized that demagogues and partisans used the free press to spread confusion and anarchy.[20]

By the 1840s, newspapers were widespread throughout Venezuela. As the editors of *El Republicano* (Liberal, from the eastern city of Barcelona, near Cumaná) boasted in 1844, "In all the provinces the machine of Guttemberg [*sic*] already creaks along, exercising a healthy influence on the intellectual and material progress of our nascent society."[21] Newspapers reached transregional audiences by including articles from other provincial newspapers and by offering subscriptions in distant cities. The 1840s witnessed a sizable bump in the number of periodicals; during this decade, Venezuelans published 60 percent more newspapers than in the 1830s and 33 percent more than in the 1850s.[22]

During the tumult of the 1840s, Venezuelans recognized newspapers as effective in heightening instability and violence at a national level. Already in 1839, state officials charged newspapers with "seditious libel" if they stirred violence or offered "atrocious insults against the leader of the country and the administration."[23] Until 1840, the tone in the press was intense but usually reasonable. However, by 1841 it had become truly caustic, and it became even more inflammatory by 1842.[24] As another example, in 1842, the main newspapers of both the Liberals (*El Venezolano*) and the Conservatives (*El Liberal*) blamed the *guayanese* newspaper, *El Filántropo*, for instigating the assassination of General Tomás de Heres, a war hero and *comandante militar* of Guayana Province. *El Filántropo* was a pro-Liberal paper from Angostura that consistently criticized General Heres and had recently predicted his death. Though neither of the Caracas papers stated that the editors of *El Filántropo* had pulled the trigger or hired the killer, they asserted that the editors had instigated a political murder.[25]

Loyal Opposition

One of the striking features of the struggle between the two parties was the nearly complete absence of a notion of loyal opposition. Though officially the elites promoted an electoral system of government and freedom of opinion, which naturally will lead to differences of opinion and political campaigns, they remained relatively intolerant of disagreement. The notion of loyal opposition holds that separate parties or factions may exist within a governing body. Further, a minority party may oppose the policies of the dominant party while still recognizing the legitimacy of the

dominant party, the state, and the sources of the government's power. With a political culture that accepts a loyal opposition, competing sides can openly disagree while still considering each other legitimate and loyal defenders of the Constitution.

The British model, which had pioneered a system that embraced loyal opposition, had a tremendous influence on Spanish American leaders, not least in the areas of party politics and freedom of the press.[26] The Venezuelan intellectual and politician Tomás Lander recognized the importance of this example: "Political parties are indispensable in a representative system. Without them, Venezuela would be like a beautiful child without legs, a pretty carriage without wheels. . . . The English, with their two great party factions, Tory and Whig, majestically conserve their institutions."[27] What Lander did not mention, however, was that England's parties developed during a tortuous seventeenth century. After nearly fifty violent years (1642–1688) that witnessed the English Civil War, Cromwell's tyrannical republic, the Restoration, and the Glorious Revolution, the English learned to accommodate religious and political pluralism, power sharing between king and Parliament, and two parties within Parliament. By the 1840s, they had roughly one and a half centuries of experience with religious and ideological diversity, the rancor of a free press, and the mechanics of political factions.

Latin American republics, however, were only just recently exposed to the realities of religious and political diversity, political parties, and outspoken political opposition. The notion that political opposition was not sedition or an honor insult was still novel. What we see in the debates in the periodic press and in pamphlets was that all sides consistently rejected their opponents' legitimacy, morality, and loyalty. In the above quote by Tomás Lander in which he lauded the British two-party system, he continued: "In Venezuela there were also two parties: Oligarchy and Opposition. . . . On one side wickedness and money; on the other side the boldness of *El Venezolano* [the Liberal paper], the justice that attends us and the innocence of the agriculturalists."[28] Though he approved of political parties in the abstract, he described his rival party as "wicked" and contrary to justice. This section will examine the published arguments of Liberals and Conservatives and then will return to an examination of the political culture of "loyal opposition" and how its absence drove political instability in the 1840s.

One of the consistent themes throughout the debate was that partisans described the struggle in stark dichotomies (us/them, good/bad, patriotic/seditious), which left little conceptual space for a middle ground

or compromise. As an example, editorialists inflamed antagonisms with the frequent but misleading characterization that the contest pitted *hacendados* (Liberals) against merchants and financiers (Conservatives). In reality, such simple divisions did not exist; many *hacendados* were also merchants, and many merchants were also landowners. Further, Venezuela did not possess a financier class. There was not a body of businessmen that earned its living from borrowing and lending; people borrowed money from anybody who had cash to lend, so that creditors were generally neighbors or business associates.[29] Fermín Toro offered a rare example of a partisan who openly recognized that political divisions were unrelated to occupation. In 1845, he wrote, "It is a vulgar error to believe that there is a true antagonism between commerce and agriculture in Venezuela. . . . Commerce and the arts [artisanship] suffer in the same manner, though not in the same degree, from the decimation caused by usury."[30] In another article from that year, he asserted: "In the unconstitutional *Tribunal Mercantil* of Caracas, within just a short while, there have been demands for debt payment against: 105 agriculturalists and 107 merchants."[31] Despite Toro's rare example, most discourse devolved into an us versus them dichotomy, as each side presented a false impression that society was divided along fault lines of ideology, occupation, or class.

The Position of the Conservatives

The Conservatives—those who supported Páez and the LLC—advocated individual responsibility, laissez-faire markets, and social/political order. In so doing, they described financial credit and respect for the law as proxies for honor, moral fiber, and civic virtue. Conservatives sought to form a new man, *homo economicus*: an atomized individual in society whose actions would be regulated not by moral sentiments but by economic self-interest. An 1837 article from the periodical *El Liberal* stressed that a man's value in society came from his labor and his credit: "That each man be judged by society according to the concrete facts of credit. He that works well has nothing to fear, he that works badly should complain to himself."[32] In 1845, Santos Michelena, the former secretary of the treasury, eloquently reinforced this perspective: "Work and thrift [*economía*] are the two great fonts of public and private prosperity, and in the exercise of these two habits, these two eminent virtues, those who fall behind should look for the panacea to cure the sickness of which they complain, rather than look for it in the national coffers."[33] Also on the pages of *El*

Liberal, José María de Rojas voiced a common refrain of the Conservatives: that the crisis of bankruptcies would eliminate the least capable of growers and merchants, and therefore would strengthen the economy.[34] Conservative ideology saw governmental protection as a corrupting force that reduced men to being weak, indolent, and dependent on the state. Only individuals that had achieved full economic independence, even if they were forced to do so by cruel circumstance, could be proper citizens in the liberal republic.

Along with a strong faith in the benefits of laissez-faire markets, the Conservatives also stressed the importance of order and condemned the Liberals for disturbing the peace. Writing from Cumaná in 1844, Pedro José Rojas dismissed the instigators of violence as failed *hacendados* and opportunistic troublemakers that erroneously "see their creditors as their enemy . . . attribute all of their disasters to this law [the LLC]." Pedro Rojas also expressed the Conservative assumption that those who became unruly lacked loyalty and civic virtue: "A good patriot always sees to it that his fellow citizens march straight and true on the path of the institutions." Pedro Rojas further assured his readers that the rabble-rousers represented a misguided minority, whereas "the sensible, mighty, intelligent, and numerous majority, makes constant oblations on the altar of peace. The Government respects and consults the popular opinion, which is in truth its solitary and strong support."[35]

Conservatives often described the conflict in stark dichotomies with little room for compromise. They depicted themselves as *padres de familia* attempting to defend family and civilization against immoral degenerates who threatened the patriarchal order. For Juan Vicente González, editor of *El Diario de la Tarde*, the situation was simple: "We [the Conservatives] possess principles of civility and honor, which in vain we attempt to teach to the horde of perverts." González described a fight to protect civilization and women's sexual purity: "You see on one side men of intelligence and virtue, fighting to save social order and the purity of their daughters. On the other side is an armed man, a member of a group of ambitious and perverse men, a swarm of ill-disposed men that shriek like a hawk upon seeing the lovely prey before them. This is no time for neutrality or government inaction."[36]

In a similar vein, the Caracas newspaper *La Tormenta* presented the struggle as one between light and darkness, order and chaos, life and death. *La Tormenta* denounced the Liberal leaders of being antiliberal, monarchical *godos* that promoted disorder, slavery, and cruelty. The Liberals stirred their followers to violence with cries "of an oligarchy that ex-

ists only in their delirious, raving heads."[37] The Conservatives, on the other hand, were the paragons of disciplined reason. When confronted by unruly Liberals, Conservatives responded with calm reason, refused to become emotional, and based their arguments on facts and concrete evidence. Because the Liberals sought to destroy the republic, "it is necessary for society to rid itself of them, as an individual would amputate a cancerous part of his body that threatens the rest of his body." Lest there be any confusion, the editors explained, "Yes, [the two parties] are very distant, there exist no points of contact between that which is good and that which is evil."[38]

The Position of the Liberals

Like the Conservative press, the Liberals described their rivals as corrupt, illegitimate, and bent on destroying the republican system. Liberal newspapers such as *El Venezolano* bemoaned a government now run by and for bankers, and warned that the National Bank served the interest of a Conservative clique.[39] As *El Agricultor* put it, "the Republic of Venezuela is the patrimony of the bankers . . . a colony beneath the dominion of the [bankers]. . . . And what do the bankers give in return? A dry bone to the indigent."[40] *El Venezolano* informed readers that the Conservative government was illegitimate and that it had won elections only through fraud. Further, as a president Páez intimidated his rivals and as a civilian *hacendado* he bullied his neighbors.[41] The Liberal press frequently accused Conservatives of electoral fraud, as when *El Imprudente* from Barquisimeto provided a satirical dialogue between two citizens, Andres and Don Miguel. Andres admitted that he liked the Liberals, but he planned to vote for the Conservative candidate because he offered to give Andres a loan. Don Miguel explained that this was an imprudent move, because Conservative candidates never actually honored their (illegal) promises, but they would imprison Andres if he failed to vote as they desired.[42]

Like the rest of the Liberal press, *El Republicano* referred to the Conservatives as "the oligarchy" and warned that the principles of majority rule and popular sovereignty had been lost due to the abuses of a party that "did not think of the good of the *patria* but only of its own particular wellbeing and vengefulness."[43] According to this paper's editors, in ten years of rule the oligarchy had brought about the "complete ruin of the country . . . they abuse us, betraying our confidence with the violation of our rights and breaking their obligations." Society suffered from a "considerable lessening of public morality," and the Constitution was just a

"crumpled notebook in the hands of the oligarchs." The editors warned that if the people did not struggle to win the next election, "we will lose the right to call ourselves republicans: equality between us will remain forever destroyed and instead of having a *patria*, we will leave to our children a cruel stepmother who vexes and oppresses them."[44]

In economic terms, the Liberals believed in the free market but thought that the LLC and the Conservatives had gone too far. Like the Conservatives, the Liberals debated economic policy in terms of morality, culture, and honor. They did not promote conservatism, in that they did not seek to undo most liberal reforms. Rather, they believed that the Conservatives promoted a level of self-interested individualism that would damage the economic and moral strength of the country.

Tomás Lander, a prominent liberal intellectual since the 1820s, became one of the most vociferous leaders of the Liberal Party and an opponent of the LLC. In 1843, he wrote bluntly, "The Law of April 10, 1834 [the LLC] is immoral, malicious, and destructive to the public wealth." The law was immoral "because it arms the strong against the weak . . . because it unbridles avarice and leaves barren industry and hard work." It was malicious because "it was designed expressly in order to reduce industry to slavery, and to ruin and dishonor hard-working and honorable Venezuelans." The law hurt public wealth because "it authorizes the devaluation of agricultural properties, which almost entirely make up our territory's wealth."[45]

For these reasons, Lander believed that the LLC corrupted the fields of law, politics, and social mores. "Laws should be innocent and equitable, for it is they that form our manners [*costumbres*], and manners produce men who are worthy or intolerable." This law, however, eroded the principles of good law and good customs; it supported usurers over all others, and allowed them to wield their unfettered greed upon the weaker elements of society. Lander believed that healthy debt relationships could engender good habits and social relations. A "type of society or a certain class of tacit agreements exists between creditors and debtors that place reserves on the excesses of each of them. The creditor brings rationality, justice, and equity; the debtor brings delicacy, dignity, honor, and hard work."[46] The LLC, however, ruined this agreeable balance and simply left the debtors vulnerable to the creditors.

Fermín Toro wrote the most famous indictment of the LLC, which also attacked the law on the grounds that it threatened economic health and destroyed morals, good laws, and society itself. At the core of his ninety-six-page booklet, *Reflexiones sobre la ley de libertad de contratos*,[47]

was a warning about the growing power of *positivism* and *positive* men. He described positivism as an ideology that sought to understand the world through concrete evidence and knowable facts, and advised that man should be guided by his individual economic interest: "making himself the center of a purely material world, [the positive man] looks for the equation in all social relations, and calculates with numbers the advantages of honor, of probity, and of all the other virtues." Positivism had little interest in ethics or philosophy or anything transcendent, but concerned itself exclusively with "questions of economy, which is a science that brings one to wealth by the shortest route . . . without any consideration for morals [*costumbres*], the level of enlightenment, or the general situation of the country." Because the positive man "rejects any universal system of morality, religion, or positive legislation that opposes his individual interest and calculations," he was deleterious to society: Under "this purely personal system, there is no uniform action, no collective force, there is no communication of thoughts."[48] This booklet painted a scenario reminiscent of an anarchic Hobbesian state of nature, except that Toro's individuals were compelled not by a brutish instinct to survive but by a perverse instinct to enrich themselves.[49]

Like other Liberals, Toro also attacked the LLC because it disregarded basic principles of liberal-republicanism. He held that the LLC violated good standards of law, liberty, and contract. Toro embraced a liberal notion of laws, in that "nothing in society is prior to nor above the law" and that laws should obstruct the individual as little as possible. In order to fulfill these conditions, however, the law must "not sanction anything unjust, oppressive or iniquitous. . . . A law that allows the rich man to use his wealth and power any way he wishes is the law of the rich." The LLC sanctioned a fundamentally unjust system and therefore was not a legitimate law. Additionally, he explained that the LLC did not promote liberty because liberty was not the freedom to do whatever one chose, and free will could not be achieved only through rationality. Both liberty and free will required a moral foundation, or they were simply the caprice of a brute: "liberty is the first attribute of the moral being . . . [liberty directs us] in a manner that conforms to our moral obligations and towards the goals of humanity."[50]

Contracts, in turn, required elements of freedom and morality in order to be legitimate. Toro considered contracts to be a moral juridical agreement between free, consenting parties. The current contract system, however, so heavily favored the creditor that the contracts lacked both morality and freedom. The creditor could set scandalous interest rates, and he

had exaggerated collateral to ensure against default. The creditor, therefore, entered the contract with sufficient knowledge of the probable outcome. For the debtor, however, the outcome depended on several unknowable factors, such as the weather, insect pests, and market demand. The two parties did not have equal knowledge of the probable outcomes, they did not share equal risks, and consequently real liberty had been lost. The debtor labored under unbearable conditions while the creditor was motivated only by greed. Without a dignified option available to the debtor, and without moral choice from the creditor, fulfillment of the contract robbed both of their freedom.[51]

The Absence of a Notion of Loyal Opposition

Venezuela's liberal-republican system possessed numerous inherent contradictions, including the fact that acceptance of a loyal opposition was politically necessary but culturally alien. A representative government in which candidates ran against each other in public elections, a democratic view of honor, and the creation of political parties gave rise to an environment in which political rivals would openly disagree with each other. Also key to this political experiment was a free press, which the elites recognized as vital to public discourse. This was not a Rousseauian republic with aspirations toward a common will—Venezuela's political structures embraced competition and dissent. This political-legal system, and the institution of the free press, could function smoothly only if partisans granted that their opponents could be loyal to republican values and the Constitution.

Venezuelans, however, were unaccustomed to the notion of a loyal opposition. Public discourse, therefore, soon degenerated from a policy dispute to mutual accusations of dishonor and sedition, which were hardly conducive to constructive debate. Venezuela was not unique in this regard, as political discourse in other Latin American republics was also caustic and polarizing.[52] Venezuela makes a particularly interesting case because the ideological differences between the two political parties were so small–there were no true Conservatives (as in Mexico, Peru, or Colombia), and the government was not tyrannical (as in Buenos Aires). As historian Pino Iturrieta explains, part of the problem was discomfort with the economic changes since independence: Venezuelan elites were still unaccustomed to capitalism, and they could not foresee the complications it would bring as it developed. Further, Catholic culture had regarded usury as a sin and now, even though it appeared to be the key to an open econ-

omy, many people viewed it with moral discomfort.[53] Nonetheless, the republic's business and political leaders had more in common than their discourse would suggest. Though the propertied elites disagreed on the subject of credit laws, they essentially agreed on "the fundamental issues facing the republic: political control . . . limited suffrage, parliamentary usage . . . the application of justice, freedom of expression, respect for private property, slavery."[54]

The similarity between the party platforms highlights the fact that the cause of the rancor was not only the political-economic issues under debate, but also the style of the debate. This is not to overexaggerate the importance of style and diminish the two sides' concrete, material grievances. Conservatives had reason to fear that Liberals were fomenting rebellion, and Liberals had reason to fear that Conservatives were abusing their power to remain in control. The political violence was not simply a result of poor manners or because nobody had a copy of *Robert's Rules of Order*. Still, the inability to sustain an orderly public disagreement played a significant factor in the collapse of elite unity and the outbreak of rebellion, which was exactly what the elites feared most.

The opponents in this struggle frequently challenged each other's honor, each charging the other not only with a lack of liberal virtues but also with failing to act as a *padre de familia*. Liberals accused Conservatives of debasing morality, ethics, and honor in their effort to fashion a citizenry driven by greed and positivism. Further, they charged the Conservatives with disrespect for the law and a disregard for popular opinion. The Conservatives, in turn, accused the Liberals of lacking the discipline and virtues necessary for economic autonomy. When Conservatives alleged that the Liberals spread discord, they evoked the specter of the *vago*, the immoral, dishonorable, impoverished vagrant who threatened to corrupt society's values (see chapter 4). In short, partisans on both sides of the fight accused the other of doing exactly what *padres de familia* should never do—allow for moral degeneration and social disorder.

The legacies of colonial political culture weighed heavily in this area of politics. As we saw in chapter 4, the culture of honor associated honor and truth, such that those with honor spoke truth and those who spoke truth had honor. Truth was not a detached interpretation of empirical data so much as a communal understanding of reality; colonial sensibilities held that truth was "that which we all hold to be true." The honor code legitimized this communal understanding, as community perception (reputation) assigned status, and people with higher status could dictate what was true. Colonial legal codes held that a person's credibility was directly

proportional to his honor and those without honor had no voice in a court of law. Republican courts strove to decouple a person's social and legal status (see chapter 3), but the underlying cultural principle that associated honor and truth remained in place. The ability to dictate truth was a demonstration of honor, status, and power. When a newspaper editor publicly disagreed with somebody, in so doing he suggested that he had the status to dictate the terms of truth. Editorials and news articles were weapons of power and status, and they dishonored opponents by showing that they did not control the truth.

The impetus to promote the free press as a bulwark of republican freedom assumed the existence of a bourgeois public sphere, in which a rational public assessed a person's ideas without concern for his status but focused only on his argument's rationality.[55] The rise of a public–private divide, which is necessary for the development of a public sphere, was unique to some North Atlantic polities and had not occurred in the Spanish American colonies at the time of independence.[56] By the 1840s, some aspects of the Venezuelan republic had adopted empiricism and a public–private divide, such as the law codes and the courts (see chapter 3). The periodical press also drew a distinction between public and private conduct; newspaper writers attacked a politician's public actions but not his private life.[57] However, this was not the case for most of society. Let us return for a moment to the anecdote from the Introduction of this book, in which a military officer slashed Antonio Leocadio Guzmán because he had published an article that alleged the officer was not competent to be appointed as governor of the region. The honor offense was not simply that the article asserted the officer was incompetent but that Guzmán publicly stated the officer was trying to portray a false version of the truth—the officer wanted people to believe that he was competent to serve as governor, and the article "unmasked" this pretense.[58] From the perspective of traditional honor, the empirical reality of Guzmán's accusation was irrelevant. What was relevant was who had the power to control the truth, and who had the power to claim that the officer was wrong or lying. The debates in the press not only concerned the LLC, the National Bank, elections, or slavery; they also were part of a battle over who had the most honor, power, and control of truth.

The nature of the accusations in the press also harkened back to the tradition of "socio-moral" complaints against officials during the colonial period. As we saw in chapter 2, complaints against colonial officials, whether written by government administrators or civilians, were typically socio-moral in structure, meaning that they combined infractions against numerous norms. These complaints accused the offender of transgressing

written law, tradition, proper morals, and civility. The culprit, therefore, not only broke these many norms but also in so doing demonstrated disloyalty to society, the king, and the Church. After independence, complaints against officials became far more "legislative" in that they focused on how the offender had transgressed against just one norm, the written law. Republican accusations of misconduct were confined to a list of the laws that had been broken, and they did not question the offender's loyalty (unless he had engaged in a manifestly seditious act).

However, when newspapermen in the 1840s complained about their rivals, whether officials or civilian, they used socio-moral paradigms rather than confining themselves strictly to legislative norms. If one were to replace their warnings about disloyalty to the republic and Constitution with colonial warnings about disloyalty to the king and Church, there would be little difference. These complaints found in the periodicals combined numerous norms and made no clear distinction between breaking the law, lack of republican virtue, disloyalty to the Constitution, lack of social decorum, irrationality, and so on. All of these infractions were of equal weight and danger. There is no surprise in finding a difference in rhetoric used in official correspondence and in a newspaper—they are distinct venues with different standards and audiences. What the differences illuminate is that, whereas some aspects of the republic's political culture underwent significant change, others did not. The newspapers demonstrate a continuation of the assumption that government officials were responsible for upholding social harmony, justice, order, and morality. In turn, Venezuelans continued to see an infraction against any of those elements as an infraction against all of them and as disloyalty to legitimate state power.

Also similar to the colonial socio-moral paradigms, the discourse in the 1840s had an apocalyptic quality, suggesting that the offenses committed were so heinous that they threatened to destroy the entire political, social, economic, legal, and moral system. For example, in 1796, when the Caracas *mantuanos* learned that the king intended to grant *castas* access to exclusively white privileges, the *Ayuntamiento* warned that "the alienation and withdrawal of decent, White people will then follow . . . people will forget the names of those vassals who have upheld the dominion of the Kings of Spain with their loyalty . . . the questionable loyalty of Mulattos, *Zambos*, and Blacks will cause violent disturbances." The *cabildo* also decried excessive racial equality, which could cause "a general upheaval among the Secular and Ecclesiastical Estates . . . the social order will become the system of Anarchy and the beginning of the ruin and loss of the American States will emerge."[59] We see the same rhetorical techniques

during the political upheavals of the independence period. In 1810, when Caracas attempted to compel Coro to join the autonomy movement, in the written exchanges between the leaders of the two cities, each accused the other of threatening the moral, civil, military, economic, and social order and of ushering in an age of chaos.[60]

Following a similar pattern, in the 1840s both Liberals and Conservatives warned that if their opponents were not stopped, civilization would collapse and all would plunge into darkness and chaos. The Conservative press was explicit about the fact that there was no overlap between the two parties, that this was a battle between good and evil. Likewise, the Liberal press stressed that any "enthusiast for peace, order, and public prosperity" had to oppose the "oligarchy."[61]

Conclusion

By 1836, in the wake of the *Revolución de las Reformas*, liberals controlled the central government and had defeated opposition from the Church, the military, and various regional *caudillos*. Already by 1838, however, liberals began to fight among themselves over the LLC and the direction of economic strategy. The consensus among liberals was tenuous at best and could not withstand economic pressures brought by the oscillating prices of commodities, particularly coffee. The LLC left indebted merchants and *hacendados* vulnerable to market fluctuations, such that if they could not meet their debt payment schedule they could lose all their property, and hence their vote, in an auction run by their creditors. Debates surrounding the LLC focused in large part on the premises of orthodox liberal economics, particularly a free-market credit system and the push to expand the export economy, all of which pointed toward further integration into North Atlantic commercial networks. By 1840, the opposing sides segregated into formal political parties. By the mid-1840s, this contest moved beyond a struggle of words and ideas and turned violent. The rural poor rebelled against the government and saw the Liberals as natural allies. The Conservative-controlled government then used the rebellions as a pretext to repress the Liberal Party and eventually to engage in electoral fraud. Though members of both parties composed Congress, they proved less and less able to deal with each other in an orderly, peaceful fashion.

Ironically, the conflict demonstrated the remarkably similar political and cultural values of the party leaders. Both sides wanted a liberal republic, a weak Church, a reduced military, an open market economy, and

little change to social hierarchies. Though the partisans described their differences in purely ideological or moral terms, party membership very often depended solely on whether a person suffered (Liberals) or benefited (Conservatives) from the status quo. Each side promoted, and accused the other of undermining, honor and bourgeois values such as hard work, thrift, political participation, and obedience to the law. For Liberals, Conservative policy threatened to spawn a horrid, modern monstrosity called *positive man*, who possessed no moral compass but rather navigated solely by cold, economically self-interested calculations. Conservatives, in turn, accused Liberals of lacking the moral rectitude necessary for economic self-reliance and, therefore, seeking refuge in a paternalistic government. Both sides, therefore, accused the other of lacking liberal virtues and patriarchal values, of being bad liberal citizens and bad *padres de familia*, of failing to uphold both the law and the honor code, and of being unable to maintain social order.

The nature of the accusations in the press—that the opponent was not an honorable patriarch or citizen—was particularly corrosive. Like their colonial forebears, the republican pressmen portrayed such qualities as decorum, moral decency, obedience to the law, respect for society, and political loyalty as inseparable from each other. They decried an infraction against one of these qualities as an assault on all of them. To accuse an opponent of lacking one of these qualities was a useful technique, because it implicitly labeled him as a failed *padre de familia* and citizen. Therefore, though they had a great deal in common, the opposing sides soon accused each other of undermining the Constitution, the republic, the honor code, and civilization itself. Under these circumstances, the public debate was not effective at achieving a political compromise.

The press discourse, therefore, heightened instability and demonstrated that liberal paradigms had affected government institutions even before they permeated political culture. Despite the partisans' similitude, traditional standards of honor and political legitimacy undercut the notion of a loyal opposition, and therefore the free press proved to be highly destabilizing. Disagreements surrounding ideology quickly descended into power struggles, as each party attempted to demonstrate dominance over the other. Both sides utilized traditional socio-moral paradigms to paint the other as corrupt, immoral, and dangerous, and therefore fostered a breakdown of sober debate.

Elite debates surrounding the economic crisis of the 1840s reveal a certain myopia and cognitive dissonance. They faced a problem that was fundamentally economic but sought political solutions. They remained

committed to a model of maximizing commodity exports, which upheld colonial practices and also showed fidelity to the liberal economic theories of the day as laid out by David Ricardos's theory of comparative advantage. Doing so left the early republic vulnerable to external production and demand. Deregulated credit markets caused only some of the trouble; the real problems came from increased international production of coffee, the consequent drop in prices, and allocating so much of the economy to one commodity.[62] Venezuelan elites did not, however, pursue a new economic model, such as to foster internal markets rather than depend on foreign markets or to build economic collectives or to have the government subsidize more of the economy. Economic liberalism was the accepted policy. The area of debate, therefore, was politics, which could not solve the problem. It is doubtful that a change in which political party held the presidency would have alleviated the root problem—as long as coffee prices dropped, the economy would be in trouble.

The historian William Reddy shows how in France, during the long nineteenth century, writers, businessmen, and officials pursued an economic policy dominated by market competition rather than antiquated forces such as customs, guilds, and social estate. Soon the French used the language of market competition to explain economic phenomena, such as industrial working conditions, wages, and the decline of artisans. However, they failed to recognize that the old economic forces still remained in force; traditional status and customs continued to dictate the economic phenomena. Everybody claimed that the market forces guided the economy, even in the face of clear evidence to the contrary. In short, new values contradicted custom but did not replace custom.[63]

Similarly in Venezuela, old notions of honor, status, and no loyal opposition remained in place, even though the elites used a language of liberalism. They all insisted that their actions were infused with new ideologies and wrote with disdain for old norms, but the old norms continued to guide political competition. They did not have a language for stating explicitly in the press what was actually going on: the battle was as much about honor and status as it was about economic progress. Faced with stresses caused by the drop in coffee prices and rising private debt, Venezuelans looked to political solutions to what was fundamentally an economic problem. But they did not have the tools either to extricate themselves from this economic problem or to debate politics in a productive, peaceful manner. As we shall see in the next chapter, coercive force ultimately proved far more effective than debate at restoring order, and helped to facilitate the fall of the Conservative Oligarchy.

CHAPTER SEVEN

The Poor Push Back

Ezequiel Zamora sat in a military barracks, facing his captors. When asked why he had led an insurrection, he responded, "I rose up against the Government because so many of the newspapers that circulated throughout the Republic said that the Government had broken the Constitution and the laws of the Nation, so I decided to lend a service to my patria, obeying the cry that all good citizens should rise up to contain these abuses and make the Government obey the Law."[1] Local uprisings had flared across the coastal regions to the east of Caracas and the llanos to the south in 1844 and 1845, and then a serious rebellion broke out in 1846. Zamora and other merchants and *hacendados* led numerous bands of *llanero* workers, farmers, and artisans in an effort to overthrow the Conservative government and place the Liberals in power. However, by the time of Zamora's interrogation in April 1847, the rebellion had been almost entirely snuffed out.

As we saw in the previous chapter, the antagonism between Liberals and Conservatives heightened in the 1840s, as the two parties endeavored to delegitimize each other in their contest for power. The debate over economic policy, and over the *Ley de Libertad de Contratos* (LLC) in particular, degenerated as each side accused the other of betraying the republic. As the economy worsened, segments of the rural poor eventually entered the struggle by taking up arms in support of the Liberals, with whom they identified as the party of the opposition. When the Liberals accused the Conservatives of electoral fraud in 1846, the rural poor launched a serious rebellion to defend their party.[2] The leaders of the

Liberals, however, decried the rebellion and refused to associate with the multitude that fought in their defense. Though elite Liberals had cultivated the allegiance of the poor masses, they promoted only legal electoral competition and recoiled at the threat of a social revolution. The Conservative-led government successfully repressed both the rebellion and the Liberal Party, but efforts to reconcile the parties brought down the government and, by 1848, had ended the Conservative Oligarchy.

This chapter explores the triangular relationship between these three groups (elite Liberals, elite Conservatives, and rebels) and how the exclusivity of citizenship in the republic fostered instability. Though these uprisings were relatively short in duration and never seriously threatened the government in Caracas, they were historically very important for at least four reasons: First, the upheavals of 1846–1847 catalyzed the destruction of the Conservative Oligarchy, which resulted in the republic's first period of authoritarianism. Second, the events leading up to the rebellion stemmed in part from the new phenomenon of a political party allying itself with plebeians and promoting mass politics. Third, discourse surrounding the rebellion demonstrated that "defending the rule of law" was necessary to gain legitimacy to a degree not previously seen. Fourth, the rebellion illuminated the fragility of a political system that promoted both patriarchy and liberalism, as the policies that increased the authority of *padres de familia* contradicted the ideological support of equality and freedom.

A Problem of Sources

Historical studies of the uprisings of the 1840s have relied for the most part on sources that offer the perspective of the elites. These histories are based principally on the press and government communications that describe uprisings by frustrated plebeians who wanted more power in the republic.[3] While very helpful, these sources offer the perspective only of those who were against the rebels, often painting them as unthinking barbarians who opposed civilization. To date, we have very little information on the demographic makeup of the rebels and their perspective, and regrettably the rebels left very few written records. I have attempted to augment this picture by using the interrogations of numerous captured rebels in order to gain some of their voice. In addition, this chapter will explore the social and economic conditions of the rural poor in order to illuminate their relationship with the government and the republic.

The Liberal elites opposed the rebellion and therefore offer very little insight into the rebels' perspectives. Under interrogation, the leader of the

Liberals, Antonio Leocadio Guzmán, condemned the violence and insisted that the Liberals were the "party of constitutional opposition and nothing more" and that he had instructed Liberals "in the use of constitutional rights, expressly, constantly, and solemnly condemning the path of violence."[4] The Liberal press remained silent during the uprising, perhaps out of fear of being accused of sedition.

Conservatives, who generated the majority of sources on the rebellions through the press and government organs, offered two contradictory depictions of the rebels. In the first depiction, the rebels were apolitical chaos mongers motivated not by an ideology but by a hunger for loot and anarchy. When hostilities first erupted in September 1846, the main Conservative newspaper, *El Liberal*, explained that the Liberals were "against the Government and all men of order," and that the rebels were simply thieves and robbers who looted towns and haciendas and opened up the prisons.[5] In this vein, when Páez wrote a letter to his troops, he denounced the rebels as men who upheld "anarchy as a social expedient, [who had] ambition without dikes, passions without breaks." He informed his troops that the rebels were not "political groups" nor did they "profess principles of order and progress."[6] In the second depiction of the rebels put forth by the Conservatives, the insurgents had a political agenda that would ruin the republic. The Conservative press asserted that if the rebels gained power "they would redistribute wealth and land from the rich to the poor, would free the slaves, would redistribute all the money in the National Bank, and would end national and municipal rights."[7] For obvious reasons, Conservative sources must be interpreted with some skepticism.

The interrogations of witnesses or of captured rebels are also problematic as the captives had strong motives to tell their captors exactly what they wanted to hear. During an interrogation from 1844, the rebel (a laborer) insisted that his faction intended to put the Liberals in power and make Antonio Leocadio Guzmán the president even as his captors tried to get him to admit that his faction had no motivation other than to open up prisons and rob people.[8] In another instance from 1844, Victorino López (a distiller) testified against several suspected rebels and indicated that they had no objective other than to loot and burn: "that the object of the revolution was to come to this city [Barquisimeto], take the military base, kill the guards, release the prisoners, kill the governor and other employees, sack the administration offices, sack the city, then leave for the llanos or the mountains where there are Indians to hide out." In contrast, Captain Juan López testified against this same rebel band and, according to him, they intended to invite the provincial governor to join them, and they hoped eventually to march on Caracas.[9]

The documents also offer a glimmer into the harsh techniques officials used on captives. In 1844, Prudencio Foro (laborer) was charged with attempting to free prisoners, rob, and murder in the town of Chaguaramos. At the beginning of his interrogation, Foro was flippant and uncooperative. He admitted to attending meetings with other known rebels, but stated that he did not know who they were because they met at night and it was dark. When asked, "Didn't you know it is illegal to conspire against the government?" he answered, "No, I just learned it now."[10] According to other captives, he held the rank of colonel, so his level of ignorance seemed suspect. He asserted that the rebels' plan was to go to Caracas, find Antonio Leocadio Guzmán, and have him lead them to overthrow the government. The scribe then wrote that the interrogation took a break, and it resumed the next day.

Foro's testimony changed considerably after the break. He immediately mentioned several names of other conspirators and their role in the rebellion. Further, their objectives had changed from what he had said the previous day, as now he stated that they hoped to cause a "race war."[11] Apparently, Foro's interrogators had applied some sort of pressure (torture?) between the two interrogations, so that he subsequently betrayed his comrades and validated the greatest fear of the country's elites (race war), which would justify the most repressive measures.

Interrogations of the rank-and-file rebels from the 1846–47 uprising are similarly problematic as the prisoners clearly lied to their captors. All of the prisoners swore that they did not hurt anybody because during battles they were always at a location with no fighting. Many captives said they were unwilling conscripts, forced at gunpoint to ride with the rebels. Even top rebel officers such as Tomás Galarraga and Mariano Tirado, who were the revolution's *comandante de armas* and the secretary of state, respectively, claimed that they never intended to take up arms but were forced to join the rebellion and then could not leave for fear of their lives.[12] Ironically, several rebel foot soldiers claimed that Galarraga and Tirado forcibly recruited them and then gave them orders throughout the campaign. Others claimed to have been tricked; they thought they were fighting for the government, and only after they had joined did they realize they were with a rebel band. Francisco Marcelino Blanco, a second lieutenant, asserted that he thought he was fighting for the government, even after he had witnessed two battles. Later he carried a letter to the government's forces when communicating terms for a surrender. Only at that moment, when conversing with the government's general, did he learn that he was a rebel.[13] If these accounts are accurate, the rebel groups were composed

almost entirely of kidnap victims or dimwits who could not distinguish between army and rebel forces, and nobody did any actual fighting.

For all of these reasons, deciphering the events and motivations of this rebellion can be problematic and requires a cautious approach. We now explore conditions for the rural poor and their relationship to the republic's government.

Geography and the Llanos

Geography played a crucial role in economic and social structures as well as the politics of rebellion. Cities were centers of political power, but the great majority of the population and the territory were rural. The coastal mountain range contained the areas with the greatest population density, most of the key cities, and the most valuable agricultural production. Though most of the prime land near the coast was already claimed, there were still small plots that squatters cultivated. The llanos, the plains, dominated the great expanses to the south. In 1839, the llanos contained 40 percent of the population, but the population density there was very low and spread across an enormous territory.[14]

During the colonial period, the state penetrated very little into the llanos, and the region served as a refuge for Indians, escaped slaves, and poor whites who preferred to live beyond the controls of the colonial state and society. The *llanero* society was mixed race and composed largely of cowboys, small farmers, and hunters. Herds of feral cattle, with populations in the tens and hundreds of thousands, roamed freely across the plains. The cattle and the land had no official owners, so that *llaneros* caught whatever beasts they could and farmed wherever they found uninhabited land. Cattle served as the basis of the economy; they could be eaten or herded to *llanero* cities such as Valencia, Cúa, and Angostura, from where their hides and jerked meat would be exported. The region remained largely a frontier zone with a cowboy culture and few governmental restrictions until the state began to dominate the area in the late nineteenth century.

More serious efforts to control the llanos began in the late eighteenth century. As cacao prices dropped, property owners from the central coastal regions entered the llanos looking for economic opportunities. By the 1780s, officials classified *llaneros* as "vagrants," "seditious," and "bandits," and attempted to stop their migratory lifestyle and their practice of hunting or herding any cattle they found. Landowners hired bands to force *llaneros* to leave the area or punished them as "cattle rustlers." The late

colonial efforts to tame the llanos were one reason why, during the independence wars, the rural poor regarded the creole elite to be more of an enemy than the king.[15]

Throughout the early nineteenth century, the loyalty of the rural poor, and in particular the *llaneros*, proved to be militarily crucial. When the independence movement began, many of the poor sided with the royalists. *Pardos* everywhere knew that the creoles had resisted efforts by nonwhites for more equal treatment and opportunity, and people on the llanos perceived wealthy urban elites from the coastal region as intrusive and abusive. Loyalty to a king who attempted to increase social fluidity made far more sense for a people reviled and oppressed by the *mantuanos*. Eventually, however, the republicans' improved military organization and their promise of a republic built on ideals of equality and freedom captured the loyalty of the rural poor. The first victory that really turned the tide in the republicans' favor was the capture of the llanos city of Angostura in 1817. *Llaneros*, ex-slaves, peons, and small farmers were at the vanguard of successive republican victories until independence had been secured. Throughout the 1820–1830s, their loyalty was a key factor during *La Cosiata* (the aborted secessionist movement of 1826), they defeated the rebellious military officers in the *Revolución de las Reformas* of 1835, and they proved instrumental in the Liberal–Conservative rivalry of the 1840s.

After independence, most *llaneros* continued to live a violent, impoverished, seminomadic lifestyle that was little constrained by a legal system. Travelers to the region noted how *llaneros* were culturally distinct from the more urbanized peoples of the coast.[16] Charles Dance, an English minister who pursued mission work for four years in Venezuela in the 1850s, described an enormous economic and cultural gulf between the urban populations and the *llaneros*. The coastal urban peoples embraced a productive lifestyle oriented toward international trade and were "enjoying the civilization of Europe." In contrast, the tariff system made foreign products prohibitively expensive for the rural population, so that "we see among the *Llaneros* or country people a pair of boots made in five minutes from two pieces cut out of a raw hide" and even the wealthy cattleman "making his appearance in cheap uncouth shirt and short trousers, barefooted and barelegged." In the llanos, he found the locals worked mostly as subsistence farmers, hunters, and smugglers, while government officials took bribes and colluded with the smugglers.[17]

Poor *llaneros* had limited avenues for advancement, and banditry afforded one of the few means of earning a living if more pastoral strategies did not work out. Colonial and republican authorities found it impossible

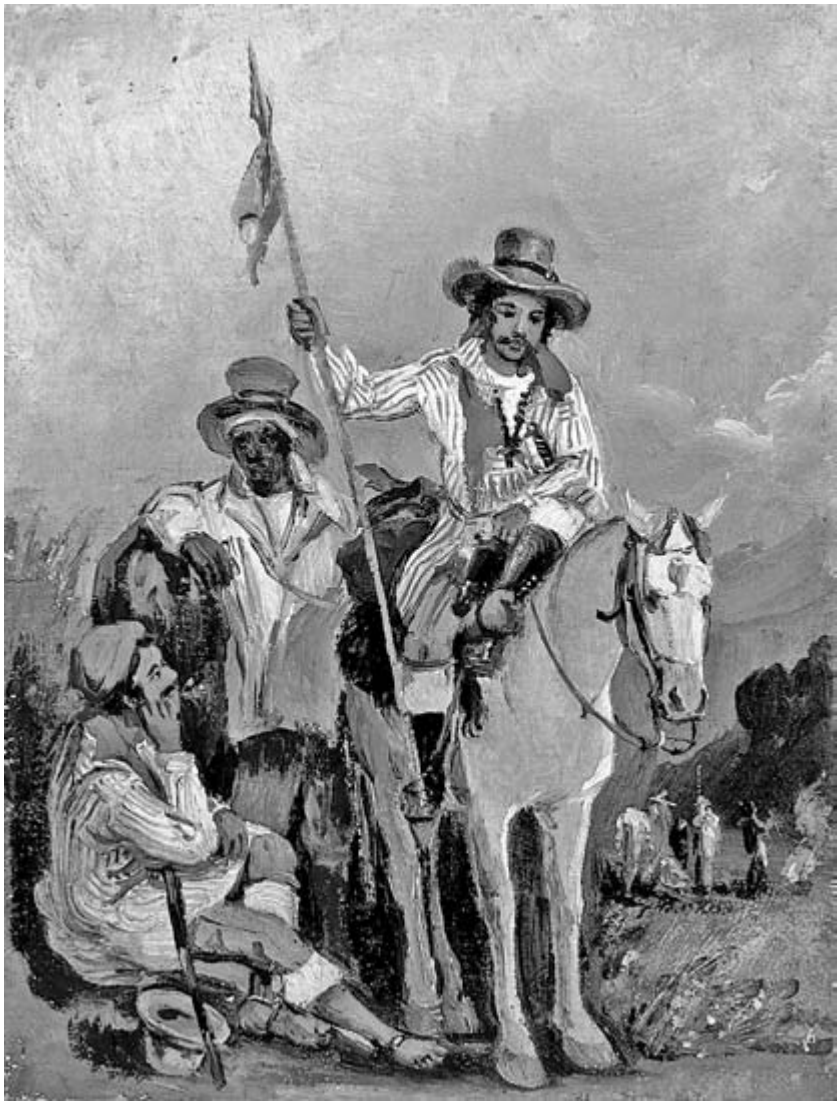


Illustration 7.1. Poor mixed-race *llaneros* formed a decisive military force throughout the nineteenth century. Reproduced by permission from Ministerio del Poder Popular para la Cultura, Fundación Museos Nacionales, Galería de Arte Nacional. *Llaneros*, by Ferdinand Bellerman, 1843.

to eliminate the horse-riding, armed bands that could always escape military forces by disappearing into the vast countryside. More problematic from the state's perspective, the line between banditry and rebellion could be thin. When *llaneros* joined large military struggles, as in the 1810s or the 1840s, they very often were the same bands that had previously been robbing *hacendados* or travelers. It was not always clear whether the *llanero* bands that joined military struggles felt sympathy for the cause of war or simply capitalized on an opportunity for more loot.[18]

The Exclusion of the Poor

In 1833, Pedro Antonio Carrasquel visited Caracas and probably wished he had not. Like most *llaneros* from his native province of Apure, he was a poor, illiterate, peon cattle hand. Shortly after arriving in Caracas, he got arrested for assisting an army officer, Colonel Cayetano Gavante, to escape from jail. He got released on bond but, by orders from the judge, he had to remain in Caracas to await his trial.[19] In August 1834, he got arrested again, this time on charges of drunken disorderliness, being a *vago* (vagabond), disturbing the peace, and threatening to kill a man named José Colón.[20] He left jail on November 22, 1835, but had not yet learned how to remain out of trouble. On December 10, he got ragingly drunk and confronted Manuel Umerez, who had been the judge in his case regarding the jailbreak and was now a prosecutor in the Supreme Court. As Umerez stood on the steps of the Supreme Court talking to a group of colleagues, Carrasquel came lurching forward, brandishing the shaft of a lance (the preferred weapon of *llanero* cavalry) and yelling obscenities. He got thrown in jail again for disorderly conduct, disrespect for authority, and threatening the life of the prosecutor. For good measure, Umerez also had him charged as a *vago*. Carrasquel vehemently denied being a *vago* and brought forth witnesses who testified that he was consistently and usefully employed. The judge acquitted him of the charge of vagabondage but found him guilty of insulting and threatening the prosecutor, and released him because he had already sat in jail for eight months as the case proceeded.[21]

Carrasquel's situation was unusually problematic, but like him many of the poor had an awkward relationship with the republic. He came from a world in which men of honor handled their differences by fighting, and so he had trouble adjusting to the more controlled, legalistic environment of the republican city. Like many of his brethren, he found that the liberal ethos of the day actually did very little to improve the conditions of his

daily life. After independence, most people remained poor, including the soldiers. By the 1840s, there had been three decades of talk about the need for better roads and public education, but with few real changes. Most Venezuelans had never seen a closed carriage or a railroad and did not have a mental image of how technology could change the country's future.[22] Few Venezuelans benefited from the economic freedoms of the open market, and many believed that the government violated the rights for which they had fought during the independence war.

Many of the poor demonstrated political values and an honor code harmonious with the republican cause. For example, Crisóstomo Cisneros, owner of a small store in Rodeo, became indignant when an *intendente* closed down his store in 1826 on suspicion that he was supporting royalist rebels. Cisneros described the action as "arbitrary" and appropriate in an absolutist system, "but in our system, one of the constitutive principles, the industry of the citizen is as sacred as that of property."[23] In the town of Escuque in the western province of Trujillo, in 1830 several villagers wrote to General Páez seeking support from a band of rogue soldiers who had been harassing the village and "encroach[ing] upon the most sacred principles of society, which are liberty and the security of the citizens."[24] Even impoverished people made reference to liberal principles, as when José Bernardo Gómez of Agua Larga protested against being arrested for disturbing the peace and being a "jobless idler." Gómez did not deny the charges, but he maintained that the punishment had been excessive and that the *juez de paz* had violated his rights: "the *Juez de Paz* has lost the path of Law and of reason, we should be astonished at the Hispanic disposition to expel me from my home with contempt for the guarantee of Article 190 of the Constitution."[25]

The rural poor defended republicanism with arms and promoted such values as freedom, equality, hard work, industry, obeying the law, and property ownership.[26] The elites, however, regarded them as vagabonds, criminals, rebels, and slaves. The rural poor had little reason to maintain allegiance to a state and elite society that treated them as though they possessed no honor or right to citizenship.

Poverty and Vagabondage

Though the values of equality and freedom resounded among the plebeians, elites retained a colonial distaste for the poor and regarded them as little different from *vagos*. As we saw in chapter 4, the term *vago* served as a legal charge as well as a scathing insult. Technically, a *vago* might

be homeless but, more importantly, could work but did not. More profoundly, a *vago* had no honor and was the exact opposite of a *padre de familia* and good citizen. He was not economically productive, did not control a household of woman and children, failed to propagate good morals, spread vices, and brought disorder to society. The *vago* was the male analogue of the *puta* (whore). Because *vagos* threatened patriarchal order, like women who lived without a patriarch or who challenged patriarchal authority (e.g., poor single women and wives who sued for alimony), they faced somewhat distinctive legal treatment in the courts.

A poor person could have honor and legal rights, but a *vago* could not. The poor were not defenseless; as seen previously, poor men charged as *vagos* could successfully defend themselves against accusations launched by powerful adversaries.[27] Further, poverty itself was not necessarily shameful. People without means petitioned the courts to prove their poverty (*su pobreza*) in order to delay paying off their debts or to get a court-appointed lawyer.[28] Such measures, however, assumed that the person previously had means and had slipped into economic hard times through bad fortune, not through personal failing or vice.[29] To be "honorably poor" was one thing; to be a *vago* was something else entirely.

As the *vago* affronted patriarchal sensibilities, the state and society associated him with insurrection; the foil of the hardworking citizen was the rebel. For example, in October 1846, the military arrested Dionicio Palacios because he allegedly insulted soldiers and refused to put out a lit cigar when walking near some fireworks; the court charged him with sedition and vagabondage.[30] When charged with sedition, a peon day laborer such as Palacios and a wealthy merchant such as Ezequiel Zamora defended themselves by stressing that they worked hard.[31] In 1847, in the midst of the fighting, Church officials published an article in the main Conservative newspaper, in which they referred to Liberals as "*vagos*" and "rebels" who had insulted the Church on numerous occasions.[32]

Racism, of course, heightened the derogatory view of the poor. Race did not equate directly to poverty; many of the country's whites were poor, and the war had brought social and economic opportunity to several nonwhites. The *llaneros* were a mixed-race population and some were poor whites, including General Páez before the war. The republic had abolished legal racial differences and expressed pride at leaving behind that part of its colonial past. Race, therefore, was not a part of official discourse by the 1840s because the government behaved as though it were race blind.[33] Republican court cases offer little insight into race relations, because the documentation did not record the race of defendants, plaintiffs, or witnesses. On the

rare occasions when court documents mention somebody's race, this information came not from state officials but from witness testimony.

Nonetheless, racism persisted and clearly influenced class tensions. The Haitian Revolution and the wars for independence had unleashed racial war and left the minds of creoles haunted by the specter of a full socio-racial revolution. On numerous occasions, Bolívar expressed his concern about the rise of a *pardocracia* (state run by *pardos*), a term which he associated with chaos, demagoguery, and tyranny of the mob.[34] In the 1820s–1830s, the British consul to Venezuela, Robert Ker Porter, periodically noted fears of a race war or recorded the words of a black man who declared publicly that "Venezuela ought to become a Second Hayti [*sic*]" and "That all the whites ought to be murdered."[35]

As we shall see, during the rebellions of 1844–1846, the Conservatives at times accused the rebels of engaging in a racial war that sought to overturn society. The rebels themselves, however, did not make any such claims, and rebel leaders made no pretense to change the social order. Captured rebels spoke of their desire to "protect the Constitution," not an intent to kill the whites or promote egalitarianism.

Honor, Land, and Citizenship: Controlling the Dishonorable Poor

The propertied elite regarded the poor, and in particular the *llaneros*, to be immoral, dishonorable, and dangerous. As Julie Skurski describes, the ruling elite regarded the llanos as "the site and the crucible of barbarism. Both land and man were seen as primitive, living expressions of the savage state of the American continent, the still-to-be conquered domestic frontier where paganism, vagrancy, and violence merged."[36] The republican project, which sought to achieve national unity and spread enlightened civilization, required that the *llaneros* be domesticated so that they could be integrated into the national economy and society.

Toward this end, the government constructed an apparatus of laws that severely limited the poor's rights to liberty, property, and political voice. Poor men did not enjoy suffrage until the 1858 Constitution. What assuredly affected the rural population more, however, were assaults upon their traditional use of the land and their ability to practice subsistence agriculture. Two principal agricultural issues undercut the revolution's promise of greater economic mobility for all: the concentration of land ownership and labor laws. By the mid-eighteenth century, Venezuela's

most valuable land had already been concentrated into the hands of a relatively small number of growers, and this trend persisted through the end of the colonial period.[37] During and after the war of independence, Congress paid soldiers in *vales*, bonds that could be exchanged for confiscated royalist lands. Most soldiers never benefited from the *vales*, though. Through exchanges, cheating, and fraud, officers acquired most of the *vales* owned by the common soldiers. The landed spoils of war became amassed into the hands of a relatively small number of officers rather than a large number of enlisted men.

In the 1830s, the government sought to gain control over the enormous swaths of land to which nobody held a legal title, particularly in the llanos. Congress assumed the right to dispense with untitled, uncultivated lands (*tierras baldías*) and originally stated that it would portion these lands "to poor, honorable, hard-working *padres de familia* who hope to work in agriculture." The laws of *tierras baldías* also stated that a landowner needed written documentation to prove ownership, a principle that excluded the great majority of *llaneros* who had always worked land without deeds or official sanction.[38] The plan to promote small yeoman farmers never transpired, and instead the government sold the land to wealthy Venezuelans and used the money to pay off the foreign debt. Large plots of land became even more concentrated in the hands of the elite who could forbid the poor from cultivating the land they had worked for generations. The potential of the rural poor for autonomous subsistence thus diminished, and increasingly they saw no option but to work for large landowners as laborers or renters. From the perspective of the Caracas government, this policy had a number of important benefits. It helped to pay off the debt, it allowed agricultural production to remain on a sufficiently large scale to promote export, and it exerted a level of social control over the unregulated poor *llaneros*.

In another effort to reform and control the rural poor, the government passed a series of labor laws that limited their freedom of economy and movement. The government saw the indolent poor (*vagos*) as not merely a nuisance but as a national danger. In 1827, Simón Bolívar expressed widespread concerns about the degenerate conditions of the rural poor:

> We lament the corruption of customs and laziness or the rural population: our tribunals are constantly occupied with cases concerning gambling, drinking, treachery, all manner of crimes that promote disorder: the use of arms has made these men audacious and engendered in them an aversion to work; from this situation the rural *jor-*

> *nalero* [journeyman or day laborer] is born indisposed to remain on the farm or in a particular spot; he does not work half as much as men in other places, has no aspirations, and in a semi-savage life does not know good behavior nor does he want to; without need for a coat or clothes he prefers to sleep outdoors, he easily obtains his meager sustenance . . . the immense penetration of this abuse . . . harms the State and agriculture."[39]

In order to avert this threat to society, the economy, and morality, Bolívar decreed that anybody who lacked sufficient land to support his family had to work as a wage laborer for a large landowner. Bolívar predicted that through "a system of constant and rational dependency imposed on the *jornaleros* (day laborers) . . . [they] will acquire sweet customs that they won't ever come to following an itinerant and lazy lifestyle."[40]

The government of Venezuela passed numerous laws of this type, called *jornalero* laws, during the early republic. The rationale for this law and many others like it came from the belief among the republic's political leaders that a work ethic was essential for individual and national health, but that it was lacking in the rural poor. As José María Vargas said before he became president: "The love of work or an honest occupation is the principal base of individual comfort, as it is with public happiness and order; and this love of work is in all climes and people across the globe the result of the structure of government, of its properly formed laws and institutions."[41] Political elites believed that the rural poor lacked the virtue necessary for a work ethic and a perspective wide enough to consider the nation's interests.[42] The government, then, would act as a *padre de familia*, providing discipline and instruction to those in need of correction.

The various *jornalero* laws all had similar features. They required the rural population to register with local authorities and, if they did not own enough property, they had to acquire a permit from a local *hacendado* that proved they were wage laborers in good standing. They could not work for a different *hacendado* without permission from the first employer, and if they were caught in a town without a travel permit from their employer, they could be arrested as a *vago*.[43] These laws essentially reduced the rural poor to serfdom. As E. P. Thompson observed regarding eighteenth-century English antipoaching legislation, the laws protected elites "for whom property and the privileged status of the propertied [assumed] every year a greater weight in the scales of justice, until justice itself was seen as no more than the outworks and defenses of property and of its attendant status."[44]

This legislative apparatus expanded the criteria of a *vago* so that more and more people would fit this label, and it also eroded the rights of the poor so that they were little distinguished from slaves. Laws against theft and escape from prison conflated these charges with vagabondage and punished the culprits with fines and prison.[45] In 1836, Congress passed what was infamously known as the *Ley de Azotes* (Whipping Law), which added up to 50 lashes to the penalties.[46] Another law from 1836 stated that a slave caught in town without permission could also be arrested as a *vago*, so that slaves and freemen would be treated the same if they left a hacienda without permission from the master. This same law forbade the rural poor to build their home so far from a town that "it is outside the reach and inspection of the local judge, unless he gives written permission based on good conduct."[47]

The *jornalero* laws brought the rural poor into a state of peon servitude and therefore served elite needs for labor and control. The laws helped the *hacendado* class that, by the mid-1830s, faced a labor shortage. As more land came under cultivation in order to increase coffee production, and the slave population dwindled, the *jornalero* laws helped *hacendados* to force local freemen to become peons.[48] In Venezuela, these laws also served Congress's paternalistic goal of training the poor to have good virtues as they enforced a solid work ethic and brought the poor into the cash economy. In addition, the laws sought to control the poor and place them under proper patriarchal authorities. Either government officials or property-owning *padres de familia* would be able to watch, control, and reform those who lived outside the proper norms of patriarchy, which included men who did not support a family as well as women and children who lacked a proper patriarch.[49]

On the other hand, authorities did not always enforce these laws with regularity. Officials were ill equipped to police a territory as vast as the llanos, so a resourceful man could always run and hide there. Further, *hacendados* often violated the laws themselves, as they would offer bonuses to lure workers away from neighboring haciendas.[50] In 1836, President José Carreño criticized provincial police forces for allowing people to "break the laws with impunity, or who, preferring their private convenience to the public good, abandon fulfillment of their duties and hand the population over to a more or less scandalous licentiousness, which has progressed to corruption."[51] In a similar manner, in 1846 an official complained to the Minister of the Interior that the province of Barcelona contained numerous *vagos* but the local judges were too sluggish and apathetic to enforce the laws.[52]

Nonetheless, even with lax enforcement, these legal and economic structures hardly facilitated a sense of brotherhood among the rural poor with regard to local elites and the government. Their honor and freedom, though protected by the Constitution, were under constant threat because they could be labeled as *vagos* and treated like slaves. The link between honor and work, so vital to republican ethics, seems unlikely to have existed for the rural poor under these circumstances; their labor likely represented servile dependency, not honor.[53] The government proved itself to be far more concerned with conditions for financiers and *hacendados* than with the common folk. State officials either enforced draconian laws, failed to uphold their duty, or actively broke the law and profited from bribes and smuggling. For Venezuela's poor, these practices simply fostered resentment.

Of course, Venezuela was not alone in its policy of coercion against the poor in the early republican period. Other Latin American republics also blurred the distinction between the rural poor, the unemployed, the homeless, *vagos*, thieves, and slaves, leaving the poor at constant risk of losing their honor, rights, and freedom.[54] Governments throughout the region offered very little to improve conditions for the poor. Widespread resentment grew as *jornalero* laws assisted state policies that were more intrusive and repressive than had been the colonial governments.[55]

The Poor Push Back

Defending "the Constitution and the Buttocks of Venezuela"

As coffee prices reached their nadir in 1842 and the economic situation deteriorated, discontent with the current regime rose. In 1844 and 1845, isolated, uncoordinated uprisings occurred in a handful of towns in the northern llanos. These incidents posed little threat to the central authorities and amounted to sporadic attacks on a town, a jail, or an hacienda. Nonetheless, they demonstrated a growing frustration with the status quo and a skepticism that substantive change could occur through legal means.

One striking feature of the turbulence of the 1840s was the relationship between the Liberal Party and the poor. As the party out of power, the Liberals formulated a platform designed to address the specific political and economic concerns of the disenfranchised. The essential planks of

the Liberal platform were to revoke the LLC, the law that so many blamed for the country's economic woes, and increase protection for debtors; widen the franchise; abolish slavery; and end the death penalty. By the mid-1840s, Liberal leaders denounced the legislation that repressed the poor. In 1844, Tomás Lander condemned the Whipping Law for promoting "abuses of power, abominations committed by society" that should serve to rally "liberal men that would defend at the same time the Constitution and the buttocks of Venezuela."[56] Other Liberal newspapers asserted that current legislation worsened the problem of labor shortage in the countryside. According to *El Republicano*, the poor refused to work not because they were lazy but rather because greedy and corrupt elites reduced them to a state of slavery and perpetual debt in which they had no incentive to work.[57]

These developments marked a dramatic evolution in party competition and interclass political relations. This was the first time that elite politicians designed a platform to gain mass support through making specific promises. Since colonial times, charismatic leaders periodically made appeals to the masses over issues such as maintaining order or fighting taxes. During the independence war, military leaders offered abstract principles such as liberty and equality, and some offered to end slavery. In the 1840s, however, Liberals bargained with the poor and designed a platform that offered several concrete political programs tailored to gain popular support.[58] The masses recognized the Liberals as the party that represented their interests, and when they believed that the Conservatives committed electoral fraud in 1846, they rebelled to support "their" party. The rebellion of 1846–47 was the first time in Venezuela's history that violence in the countryside became associated with a political party and the first time that an uprising promoted social justice specifically for the masses.[59]

Nonetheless, the relationship between the leaders of the Liberal Party and the poor popular liberals was a dysfunctional one. *Hacendados* who suffered under the LLC formed one of the main constituencies of the Liberals, and they hoped to maintain dominion over the rural labor force. The Liberals, therefore, appealed to the poor by supporting the abolition of slavery, an institution already being phased out since 1821, but did not present a precise plan for abolition. Further, they made no plans to ameliorate the *jornalero* laws. When popular liberals took up arms to support the Liberal Party, the leaders of the Liberals disavowed the violence and distanced themselves as much as possible from the rebels. Liberal elites had no stomach for the threat of a social revolution and preferred the oppression of the Conservatives to the tyranny of the mob. The Liberal Party

was an elite entity that served primarily the interests of the elites, and its relationship with the poor was never comfortable or tidy. Nonetheless, fractures among elites granted the rural poor a space in which to enter national politics and ally with the Liberals against their common enemy, the Conservatives. The Liberal Party, therefore, was highly fragmented as it contained urban elites who rejected rebellion, some rural elites who led the rebellions, and rural poor who took up arms.[60]

At the same time, the Conservative-led government became increasingly repressive against the Liberals, which resulted in yet more zeal among the opposition. Associating the Liberals with seditious activity, authorities harassed, intimidated, and arrested Liberal leaders, particularly in the run up to elections.[61] In 1845, the government arrested the leader of the Liberals, Antonio Leocadio Guzmán, on charges of seditious libel and violating press laws, which helped to catapult him to the status of a popular hero and symbol of resistance. After a lengthy trial, the jury exonerated him, which delighted the Liberals as they saw the jury's decision as a political victory against the Conservatives.[62] Less prominent leaders faced arrest simply on suspicion of expressing support for the Liberal Party.[63] Such arrests might result in a fast acquittal based on lack of evidence, but they sent an intimidating message to other would-be Liberal supporters.

Despite such abuses, the Liberal press insisted that the opposition must not take up arms but rather must fight for victory at the ballot box, because violence would merely prompt the Conservatives to become more repressive. As the editor of *El Republicano* warned, "The current president is not worthy of our appreciation and gratitude, but his authority is legitimate and we should respect and affirm it, because the day that betrayal and rebellion destroy that authority, they will break the compass of the Constitution and Venezuela will fall into the horrors of a bloody revolution."[64]

The national election of August 1846, however, failed to foster consensus and instead sparked rebellion. The Liberal presidential candidate, Antonio Leocadio Guzmán, lost to the Conservative candidate, José Tadeo Monagas, which was not surprising. More problematic, however, was the fact that for the first time Liberals won control of the municipal government in Caracas, which could grant them considerable influence over the national government. The Conservatives nullified these election results, which enraged the Liberals: "General Soublette [the president] has destroyed the Constitution of Venezuela: after various infractions he has just opened a breach destroying the electoral power and annulling popular sovereignty, the only source of legitimate governance in representative republics." Nonetheless, the press warned its readers not to engage in open

rebellion, which would only prompt the Conservatives to "establish tyranny."[65] Despite such calls for peace in the Liberal press, civil war seemed imminent. Popular resentment looked to Guzmán as a symbol of justice and resistance, but the leader of the Liberals embodied the awkward relationship between the party's leaders and their growing support among popular liberals.

In order to ameliorate national tensions, Guzmán and Páez agreed to meet in the town of La Victoria (halfway between Caracas and Páez's home in Valencia) on September 1, with the hope of brokering a deal. Popular forces, however, complicated the event. As Guzmán made his way to the meeting, thousands of common people crowded the road, shouting their support. Shocked by this show of support by noisy admirers, some of whom carried weapons, Guzmán realized that he was complicit in what appeared to be an armed uprising. He and Páez both arrived in La Victoria but never met.

Liberal leaders refused to join the call for violence, but they also could not control the force of popular discontent. On September 1, before Guzmán and Páez could meet, violence broke out to the southwest. Francisco José Rangel, a small landholder, led 300 men in a series of attacks against towns in the llanos near Lake Valencia because government officials had confiscated some of his land and denied him the right to vote. The government blamed Guzmán for these attacks, though he strenuously denied any connection to them. While in La Victoria, Guzmán neither addressed the crowds nor met Páez, as he feared either action might result in his arrest. Instead, he returned to Caracas and then went into hiding.

This event convinced some popular Liberals that they could not rely upon the party elites for leadership and had to take matters into their own hands. Armed uprisings in the llanos and along the coastal regions broke out shortly after the failed meeting at La Victoria. As rebel leader Ezequiel Zamora later recounted to his interrogators, the repression of the Conservatives and the timidity of Liberal leaders convinced him to take his own initiative. According to his testimony, when he attempted to run for office as a Liberal candidate in 1845, local officials threw him in jail and prohibited him from running for public office for four years. In response, Zamora met with Manuel Echeandía, a *llanero hacendado*, who believed there was nothing legal they could do to resolve this injustice because "the oligarchs were in charge of everything," and they began to plot rebellion.[66] Later, he went to La Victoria and, waving a lance, joined the crowd that shouted for Guzmán. After Guzmán retreated back to Caracas, Zamora and other prominent *llaneros* decided that "he was a coward" and that

they could not rely on him to achieve a political solution to their problems. Therefore, Zamora determined that it was time "to make revolution even without having a *caudillo*."[67]

On September 4, 1846, President Soublette appointed Páez as head of the military and President-elect Monagas as second in command, and authorized them to pacify the countryside.[68]

The Rebellion of 1846–1847

Who Were the Rebels?

The rebels comprised a cross section of rural society, from peon to *hacendado*. Most rebel leaders came from the rural elite, such as Manuel María Echeandía (*hacendado*) and Ezequiel Zamora (merchant), though they were not necessarily wealthy, and some leaders were smallholders (Francisco José Rangel). There have been no studies of the social composition and motivations of the rebel troops, though we know that they were principally rural plebeians: peons, day laborers, subsistence farmers, slaves, and artisans.

Information collected from a captured rebel band offers some insight into their demographic makeup. On October 16, 1846, José Tadeo Monagas, the army's second in command and the president-elect, captured a rebel band of sixty men. Pedro Vicente Aguado, a military officer who joined the revolt and became one of its top leaders, led the band. Aguado and his four top officers (majors and colonels) were all prominent *hacendados* and merchants. Additionally, we have demographic information on the remaining fifty-five rebels, who were lower ranked officers and soldiers. Of the fifty-five, most were laborers (twenty-eight) or artisans (sixteen; masons, carpenters, bakers, tailors, etc.). Four were smallholder farmers (*agricultor*), two were slaves, and five were merchants. The median age was twenty-five while the average age was twenty-seven, which means that most of these men were too young to remember the wars of independence. Only six were in their forties and old enough to have fought at the battle of Carabobo in 1821.[69] Whatever political ideology these rebels held, most of them had learned it growing up as citizens of an independent republic. The average age also indicates that these rebels were not principally young, impetuous hotheads; at age twenty-seven, a Venezuelan had already passed half of the years he could expect to live. These were not rowdy teenagers but probably



Illustration 7.2. Llaneros in retreat. Reproduced by permission from Ministerio del Poder Popular para la Cultura, Fundación Museos Nacionales, Galería de Arte Nacional. *Vuelvan caras*, by Arturo Michelena, 1890. Photograph by Miguel Ángel Clemente.

settled family men whose bodies were already showing wear and tear from a rustic lifestyle.

Beyond age, the qualities attributed to citizenship and being a *padre de familia* also granted status within the rebels' ranks, as indicated by data on their profession, literacy, and marital status. The five merchants comprised the higher officer corps—lieutenants and captains—which indicates that this profession enjoyed a privileged position. On the other hand, the three lower officers (second lieutenant) were plebeians: one laborer, one farmer, and one artisan. The one exception was Francisco Ordoñez, who was distinct in several ways: though his profession was "shopkeeper and laborer," he held a high rank of captain; he was from Nueva Granada and the only man not native to Venezuela. Ordoñez was age twenty-four and the only other captain was 48. So rank did not necessarily correlate to age and plebeians could be officers, but being a merchant offered clear advantages.

These rebels had a surprisingly high literacy rate. Forty-five percent (twenty-five out of fifty-five) stated that they could read and write (*sabe leer y escribir*) and signed their testimony. Both slaves were illiterate, but otherwise literate rebels came from all occupation types: merchants (five), artisans (eleven), laborers (six), and farmers (three). Though this literacy rate was assuredly higher than the norm for the rural population, these data suggest that many rebel bands had at least some literate members. It is also possible that literates joined the rebellion with a higher frequency than did illiterates. Francisco Ordoñez, the twenty-four-year-old captain, claimed that he knew how "to write, read, count, Latin, and some philosophy."

Literacy could enhance a man's position and correlated to status in the rebel band. All of the officers were literate. Of the four farmers, the three literate ones were officers or noncommissioned officers (corporal or sergeant) whereas the illiterate one was a common soldier. Of the literate laborers, half (three out of six) had a rank above soldier, including noncom, musician, and officer. Of the illiterate laborers, 18 percent (four out of twenty-two) were noncoms but none were officers or musicians. Literacy did not necessarily confer high rank; nine of the common soldiers were literate. Along with other factors, however, literacy could elevate a man's rank.

Interestingly, the rebels included six men who served as musicians. This was an appealing position that went mostly to those who could read and write, as five of the six were literate.[70] Their role was to play horns, drums, guitar, and flute in order to help the rebel group keep discipline,

time, and order while on maneuvers. None of them played professionally but rather they earned their living as artisans and laborers. Playing music apparently brought them a certain prestige: under interrogation these men described their rank as "musician" and the government's periodical, *Boletín Oficial*, listed them among the officers, separate from the soldiers.[71] Perhaps most important, even rebels without musical experience coveted this post because it served a less combative, less dangerous role.[72] There may have been a correlation between literacy and musical talent, but this seems improbable; more likely the prestige of literacy helped men to secure this desirable job.

In addition to literacy and occupation, marital status also affected rank. Interrogators asked forty-three of the captives their marital status and, for unknown reasons, did not bother to ask the other twelve. Of those forty-three, thirteen were married (30 percent; one was a widower) while thirty-one were not (70 percent). Officers, however, reversed this trend: six of the eight officers (75 percent) were married, one was unmarried, and one did not get asked his marital status. The sole unmarried officer was a literate merchant. The only illiterate musician was also the only married musician. The only laborer with the rank of officer was also the only laborer who was both literate and married.

The association of these factors (literacy, profession, and marital status) with status map onto wider notions of citizenship and patriarchal order. Men with property and literacy enjoyed full citizenship within the republic, and they tended to hold higher rank among the rebels. Formal marriage facilitated status as a *padre de familia*, because it concretized the role of the protective patriarch with authority over women, children, and other dependents. Owning property, of course, increased the likelihood that a man would be literate and get married, because the wealthy married more frequently than did the poor. For all these reasons, rebel officers tended to be propertied, literate, and married. Farmers had property, and if they were also literate, they tended to be lower officers or noncommissioned officers. Men without much property (artisans and laborers) could climb in the rebel ranks, and their chances were better if they were literate or married.

How the Rebels Operated

The various rebel groups communicated with each other but were not unified. The interrogations and courtroom testimony refer to letters and meetings between group leaders who strategized at the level of dividing

geographic zones of operation. A military-like chain of command existed, with Echeandía and Zamora acting as generals who could give orders and confer rank.[73] At the same time, rivalries existed between some of the leaders, particularly with regard to how the rebels should conduct themselves. Tomás Galarraga stated under interrogation that Pedro Aguado was in a violent struggle with fellow rebel Juan Bautista (Juancho) Echeandía, brother of General Manuel Echeandía. Aguado believed that Juancho committed atrocities against civilians, including murder, looting, and kidnapping, and for that reason had tried to assassinate Juancho three times.[74] Similarly, Zamora discussed a divide between himself and Colonel Francisco Rangel because the latter committed atrocities.[75]

The rebels also functioned with scant, at times inaccurate information about events in Caracas and the country's leaders. They did not necessarily know the location of fellow rebel bands and did not know whether their presumed political leader, Antonio Leocadio Guzmán, was free or imprisoned.[76] Probably of greater importance, the rebels had flawed information about their leadership, and some believed that they had the support of pro-government *caudillos* such as Páez and Monagas.[77] Foot soldiers and rebel generals alike suffered under the misapprehension that these heroes of independence would lead them, when in fact they were the leaders of the government's forces.[78]

In terms of raw numbers, the rebels never had much of a chance against the military, though they enjoyed considerable popular support. The government formed a force of roughly ten thousand troops, composed of the army and militia volunteers. The government also raised a loan of three hundred thousand pesos from the Archbishop of Caracas, so it had ample men and lucre to eradicate the rebel threat.[79] Over time, however, the military lost many of these troops. Although in September 1846, the government boasted that many of its fighters were militiamen who voluntarily rose to defend the *patria*, by October the governor of Barinas reported that the militiamen had deserted in large numbers.[80] The army also suffered some desertions: army officers such as José María Hermoso[81] and Pedro Aguado left their posts and served the rebellion as officers. Still, the rebels faced overwhelming odds. Rebel bands often numbered from a dozen to fifty fighters, and the main leaders (Zamora, Echeandía, and Rangel) might have commanded two hundred to three hundred men each. According to military reports, the rural population provided the rebels with volunteers and supplies.[82] Nonetheless, they gained virtually all their food and gunpowder by attacking army barracks or by sequestering from farmers, and at times had to break off an attack due to lack of supplies.[83]

Why They Rebelled

THE PRESS

Recent scholarship has found that Latin American newspapers in the first half of the nineteenth century, though mostly produced in the urban centers, had a profound influence among the poor and in the countryside. The public reading of newspapers in rural areas disseminated ideas to crowds of people, and oral transmission through gossip and rumor spread the ideas yet further.[84] Within Venezuela, some newspapermen intentionally sought to expand their audience to the poor. For instance, in the 1820s, the editors of the newspaper *El Observador* provided free copies of each edition to those who could not afford it, and "teachers of arts will have an appropriate number in order to divide them among the citizens."[85]

As was the case in many of Venezuela's postindependence rebellions, the press and disputes over an election played significant roles in the political violence of the 1840s.[86] As we saw in chapter 6, Liberals and Conservatives attacked each other in the press as both sides endeavored to delegitimize the other. Elite partisans recognized that the press had a powerful effect on popular opinion not only in urban areas but also out into the countryside. Conservative newspapers laid the blame upon the Liberal press for the violence that erupted in 1846, claiming it had brewed an atmosphere for war by vilifying the government and offering to enrich the poor: "The character of the [Liberal] press is well known . . . with these [populist] offers, and the infinite aspersions and lies that they publish against the government and all men of order, they have successfully excited the passions of the multitude and launch many into open rebellion."[87] Páez also lamented the misused power of the press: "The tribune of the press, where philosophy and civilization have disseminated the light that today guide human societies, has vomited amongst us calumny, has corrupted morality, and torn apart private life."[88] This view of the press went beyond simple musings and had real legal consequences, as on several occasions, the government charged newspapers with seditious libel and inciting rebellion.[89]

These charges against the Liberal press were not entirely unfounded. As early as 1844, government interrogators asked rebels whether they read the Liberal press, and often enough they did.[90] Ezequiel Zamora, one of the generals of the 1846 rebellion, declared that he rebelled out of a sense of patriotic duty that had been excited by the Liberal press: "I believed what the press told me . . . that citizens were authorized to rise in mass

against a government that broke the laws."[91] Again and again during numerous interrogations, Zamora proclaimed that "the opposition newspapers served as my only north, the only voice I heard."[92]

The newspapers influenced not only rebel leaders like Zamora but also the rank and file. According to Zamora, his followers read Liberal newspapers, which "they carried in abundance in their hats."[93] Zamora himself read these newspapers to his followers, and many of the rebels could read on their own. As mentioned above, 45 percent of Aguado's rebel band reported they could read and write. Even if this level of literacy was uncharacteristically high for rural workers, it suggests that rebel bands included enough literates that newspapers really could have a widespread effect.

LAND, SLAVERY, AND SOCIAL REVOLUTION

The Conservative press and the government consistently portrayed the rebels as being either apolitical or engaged in a social revolution. According to Conservatives, the social revolution had four objectives: to place Antonio Leocadio Guzmán in the presidency through violent means and thereby to give the Liberals dominion; to redistribute land; to free the slaves; and to open the jails and free the prisoners.[94] Sometimes the Conservatives also indicated that the rebels hoped to dissolve the National Bank and destroy the republic's financial system.

Conservatives blended their concerns about emancipating slaves and redistributing land with the larger specter of race war. Since the founding of the republic, some elites predicted that if slavery were abolished too quickly, "The nation will find itself in a state of savage anarchy [due to] the brutal passions of these monsters, who would celebrate with a horrible din their triumph over the ruins of liberty and civilization."[95] Conservatives exploited such fears with accusations that Liberals fomented slave revolts and race war.[96] As we saw previously, some interrogations indicate that government officials tortured captives to say that the rebels promoted a race war in which the slaves and blacks would kill whites and take over the republic. The captives did not, however, seem inclined to discuss race war unless prompted to do so.[97]

Slaves themselves clearly saw the Liberals as allies, but did not call for racial conflict. During the 1840s, captured fugitive slaves would at times claim they intended to run to Antonio Leocadio Guzmán, whom they expected to grant them freedom. *Hacendados* in turn interpreted such language as foreshadowing rebellion and would request that the government send troops to keep the peace.[98] Indeed, escaped slaves at times formed armed groups that defended themselves from government troops. Such

circumstances terrified *hacendados* and would result in anxious rumors of slave revolts and race war and requests for increased military support.[99] Such apocalyptic fears, however, reflected more the anxieties of slave owners than the plans of the rebel slaves.

In fact, the Liberals and the rebels were somewhat ambiguous on the subject of slavery. The Liberal Party gained followers in part because it promised to end slavery, but it also sought to assuage its *hacendado* constituents and never laid out a specific plan for full emancipation. During the 1846–1847 uprising, some rebels intentionally freed slaves and recruited slaves.[100] At the same time, Colonel Pedro Aguado and fellow officer Mariano Tirado asserted that they returned fugitive slaves to their masters.[101] Presumably the rural poor had clear reasons to oppose slavery, given that they gained nothing from this institution but suffered when the state treated them like slaves. Liberal Party and rebel leaders, however, were more ambivalent on the subject.

By and large, few rebels actually promoted a social or racial war, and there is little evidence that they intended to redistribute land. The rebels looted property, but they did not redistribute it. They showed their political allegiance by attacking haciendas owned by Conservatives more than those owned by Liberals, and by not confiscating property from fellow *llaneros*. When they attacked towns, they opened up the jails and freed the prisoners.[102] The prisons likely held men arrested on charges of vagrancy, banditry, or rebellion, so that releasing them demonstrated opposition to the regime of social control.

Under interrogation, the leaders dismissed social revolution as their goal. They referred to some pressure from more radical elements among the rebels, but they appeared able to control such forces and did not name any names. Mariano Tirado, the rebel secretary of state who was captured in Aguado's band, said that he had originally believed that Antonio Leocadio Guzmán "worked from good faith which I felt and supported with my heart." Later, however, he became disgusted when he realized that people were twisting Guzman's ideas in a way that "would envelope the country in a class revolution."[103] When rebel officer Aguado explained how he returned fugitive slaves to their masters, he did so "conserving the greatest order and peace in that village and in other places."[104]

Ezequiel Zamora, also, was at pains to show that he treated *hacendados* well and maintained social order. His interrogators asked, "Were the plans of you, Rangel, and the other ringleaders to make war on the government, kill the all oligarchs and anybody who opposed your intentions, and distribute lands and goods among the poor?" Zamora responded, "I

never motivated the soldiers with the sort of offers you mentioned. The residents of Los Tiznado can verify this. In their presence I proclaimed various times to my troops that they could not commit any criminal act, that such abominable and anti-social behavior was acceptable only for people like [independence war royalist leaders] Boves and Cisneros."[105] He added that he also never heard Rangel make any promises of redistribution, though Zamora accused Rangel of committing atrocities against *hacendados*.

The plebeian rebels followed *padres de familia* such as Tirado, Aguado, and Zamora who came from the established economic-political-military elite, who had no stake in a social revolution, and who stated that they opposed one. Further, they allied themselves with the Liberal Party, which never promoted social revolution or land redistribution, despite the claims of the Conservatives. In interrogations, the rebels did not discuss race unless their captors prompted them to do so. The Conservatives endeavored to paint the uprising as a race war or a social war, but the rebels themselves did not. Race obviously was a prominent issue in social relations and in elites' opinions of the poor. However, there is no evidence that the rebels intended to launch a race war.[106] In 1849, Páez himself refused to characterize the rebellions as racial conflicts: "the men of color have not needed to bloody their patria due to concerns that were rapidly disappearing with the progress of civilization, that were not supported by the constitution or the laws, that had no foundation to subsist; the population tended to homogenize itself [*tendía a homogeneizarse*]."[107]

OPPOSING THE OLIGARCHY, DEFENDING THE GOVERNMENT AND THE CONSTITUTION

There was a variety of reasons why people rose up against the government sporadically in 1844–1845 and then with greater vigor in 1846–1847. They sought to defend their honor against a state that oppressed the poor, and they hoped to benefit from the principles of the war of independence such as equality, freedom, and economic opportunity. They believed that the government had violated the Constitution and hoped to return the legal order, but they did not seek a social revolution that would overturn the entire economic-political system. They also wanted to put the Liberals in power and supported the basic Liberal platforms, which sought to end the LLC (the much vilified credit law), emancipate the slaves, expand the franchise, and end the death penalty.

From the interrogations, the most common cluster of reasons for insurrection was to oppose the oligarchy and, in so doing, to defend legitimate

government and the Constitution. When the "oligarchs" violated the law, rebellion became a matter of patriotic honor and duty. The motto of the *Sociedad Liberal* to which Zamora belonged before the 1846 election was "popular election, alternative principle, order, and horror to the oligarchy."[108] Zamora later stated that he rebelled because he believed that the government had violated the Constitution when it prevented him from running for office, harassed Liberals, and nullified election results. Zamora explained, "I had come to understand that a Government that had broken the law should be contained by force, that we should put Guzmán as president . . . patriotism secured me to this goal."[109] Men from lower ranks expressed sentiments similar to those of Zamora. Several of the captured rebels said that their faction fought to defend order and the Constitution and to make Guzmán the president.[110] Others talked about the need to attack the current administration in order to save the government: Joaquin Hernández (carpenter) said the rebels intended, "To uphold the government and attack the current rulers and therefore they shouted '*Viva* the Government and death to the oppressors.'"[111]

At the same time, some men joined the rebellion out of loyalty to the charisma and good reputation of local *padres de familia*. Jacinto Rivas (carpenter) said, "I saw all the *padres de familia* that I knew as *Jefe Político* [political authorities]." He saw that "everything was in disorder" and, when one of the local *padres de familia* called upon him, he followed.[112] José Ancheta (laborer) followed Juan Echeandía "because he is the man whom we all respect in [the town of] Tacarigua."[113] When Echeandía said that the government was in danger, Ancheta believed him and followed. Zamora explained how he gathered a following in much the same way: he claimed that all he did was let people know "that I had risen up to defend the Constitution of 1830." He insisted that he offered his followers nothing in return for their service: "They followed me because I invited them to defend the *patria*, liberty, and the law, which the Oligarchs had violated."[114]

Not all interrogations include questions about why these men rebelled, and in some the answer is less than credible (e.g., I thought I was fighting for the government, not against it). When captives relayed why they fought, they repeatedly spoke of a desire to protect the Constitution and the rule of law. While the repetition of certain discursive tropes does not necessarily mean that the speakers believed in those tropes, it does reflect what the speakers needed to say in order to gain legitimacy. Expressing an ideology does not necessarily mean the speaker entirely believes the ideology—he may have another motivation. But the discourse reveals the paradigms that the speaker believed he needed to express in order to be seen as

legitimate and to get what he wanted.[115] The interrogations, consistent with the press and government correspondence, show that promoting the legal order had become the coin of the realm. From Conservatives to Liberals, elites to plebeians, we see that upholding the legal order had become the paradigm for legitimizing the state or a rebellion.

Defeat

By the spring of 1847, government forces successfully snuffed out the rebellion that had begun the previous September. José Rangel died in battle in March 1847. Ezequiel Zamora was captured but escaped from jail and, in disguise, made his way to Caracas and continued to be politically active. The captured rebels faced the death penalty, but the courts or the president generally commuted the sentence to ten years in prison and a requirement that the convict never return to his home province. In the sentence hearings, the prisoners gained leniency if they confessed to rising up against the government in an act of brutality that served no legitimate political purpose. In one such case, officials found three defendants guilty of "various criminal acts committed while in an armed faction led by Francisco José Rangel and Ezequiel Zamora," including an event in which they "surprised the peaceful and hardworking citizen Andres Fuentes, whom they later made suffer a prolonged martyrdom of various forms, cruelly and heinously taking his life, striking him eighteen times, and chopping him with a machete blow."[116]

The Conservative position, that the rebels were more criminals than political opponents, persisted. The Conservatives appeared to have won a decisive victory against both popular liberals and the Liberal Party. The vicissitudes of 1846–47, however, were not always easy to control, and the fortunes of the Conservatives were soon reversed.

Aftermath: The Changing of the Guard, 1847–1849

Leading up to the 1846 election, in an attempt to ameliorate political tensions, Páez chose not run for president but instead backed the candidacy of José Tadeo Monagas.[117] Monagas seemed an odd choice, having participated in both the 1831 and 1835 uprisings. Nonetheless, the Conservatives supported Monagas for a variety of reasons: he had distanced himself from national politics since 1835; as a political outsider he did not have as many enemies as the more active partisans now had; his candidature

would mitigate the mounting criticism that Páez and Soublette were simply trading off the president's office; he enjoyed the support of his followers in the east; and he had the proven resolve to maintain order should any insurrections break out. With Conservative support, the eastern *caudillo* won the election and assumed the office in March 1847, as the 1846–1847 rebellion came to an end.

Turning on his supporters, President Monagas promptly distanced himself from the Conservatives. He commuted the death sentences of Antonio Leocadio Guzmán and Ezequiel Zamora. He showed leniency for Liberal agitators, supported Liberal policies, and appointed prominent Liberals to cabinet positions. The new president also conflicted with the Conservative-controlled Congress and attempted to act by decree. During the early part of his presidency, he enjoyed popular support because he opposed the Conservatives, and the Liberals favored him as their protector against Páez.

Monagas's complete break with the Conservatives occurred on January 24, 1848, when a pro-Liberal mob attacked the Conservative-controlled Congress, killing and wounding several congressmen.[118] Monagas praised the mob as patriots and refused to arrest any of the rioters. Henceforth, Monagas enjoyed unparalleled control over the Congress because of the threat of renewed mob violence. This event undercut the power of the Conservatives, severed Monagas's ties to Páez, and washed away the separation of powers so that Monagas enjoyed control of both the executive and legislative branches.

Eleven days after the attack on Congress, on February 4, Páez put forth a call for armed revolt against Monagas. Sounding much like the rebels of 1846, Páez justified insurrection in response to "an event that stains the glorious name of the Republic and that threatens its complete destruction. . . . The current administration has pursued a goal . . . of trampling upon the Constitution and the laws, it has encroached upon judicial and municipal power. It proposes to force everything to submit to its will."[119] The country descended into a civil war as several north-central and western municipalities joined the rebellion. Ezequiel Zamora, who had escaped from jail, led a volunteer militia against the rebels and soon received a military commission directly from the president. Monagas, with the support of Congress, raised an army of 10,000 and crushed the rebellion by August. The government captured Páez and sent him into permanent exile. Páez led another rebellion in 1849, which also met swift defeat.

In the midst of Páez's rebellion, Monagas and Congress passed legislation that instituted Liberal reforms. In 1848–1849, Congress abolished the LLC and replaced it with laws that capped interest rates at 9 percent per annum and enabled insolvent debtors to acquire a six-year moratorium on debt payments without needing the consent of their creditors. The pendulum of debt relations had now swung from ultraliberal protections for the creditor to strong support for the debtor much more in line with colonial standards. Congress also abolished the death penalty and legislated that those convicted of sedition would be exiled rather than executed. In the early 1850s, the Conservative opposition began to publicize that Páez would return and, as president, he would emancipate the slaves. In order to eliminate this threat, in 1854 Monagas abolished slavery. Though done for political reasons, Monagas freed some 23,000 people and accomplished what Bolívar and others had failed to achieve—the end of legalized human chattel.[120]

These Liberal reforms occurred, however, through authoritarian means that assaulted the republic's political and economic institutions. Monagas dominated all branches of government and severely weakened the power of public institutions when he condoned mob rule against the Congress. The financial reforms had a prompt, devastating effect on the banks. Like private creditors, the banks suddenly could not collect money owed from insolvent debtors and could not auction the debtors' collateral. Britain's Colonial Bank, with 359,000 pesos of money lent to Venezuelans who no longer had to pay on schedule, closed within months after the new laws went into effect. Congress then terminated the National Bank in March of 1850, just nine years after it had opened. Because the foreign bankers faced the possibility of never receiving payment on their loans, the British navy blockaded Venezuelan ports in February and March of that year. In response, President Monagas agreed to pay both British and domestic creditors with government bonds. Within three years of taking office, Monagas had eliminated the National Bank and converted private debt into public debt, thereby dismantling the financial institutions that promoted economic liberalism. All of these actions undercut the evolving liberal structures and ethos that the elites had been promoting since independence.

This authoritarian regime lasted through the decade, as José Tadeo Monagas alternated the presidency with his brother, José Gregorio Monagas, from 1847 to 1858. Opposition to their rule was widespread, and there was a rebellion against them nearly every year they sat in office (1848, 1849, 1852, 1853, 1854, and 1858). Nonetheless, they held on to power

through a combination of coercion, fraud, and political acumen. While sitting as president, each brother used economic and military pressure to support the candidacy of the other brother, and thereby ensured electoral victory. Working together, they suppressed rebellions, imprisoned political opponents and disapproving newspaper editors, and kept elites divided through patronage and threats. Under an administration marked by corruption, mismanagement, and rising military expenses, public coffers were frequently depleted, government budgets ran large deficits, and public credit was low.[121] Though Liberals had originally supported Monagas as their protector against Páez, by the late 1850s many defected to the opposition party, the Conservatives. In 1858, at the beginning of the fourth Monagas presidency, the governor of Carabobo Province launched a successful rebellion and forced the brothers to leave the country.

Conclusion

The complex political, social, and economic tensions that marked the young republic exploded into violence in the 1840s. Among the numerous insights that the violence affords, the rebellion demonstrated the degree to which respect for legislative norms had permeated the population. Ironically, even though sedition represents the greatest affront to the legal order, respect for written law was a constant refrain among all factions. The fact that all sides in the rebellion claimed to defend the law was nothing unique. What was distinct about 1846–1847, however, was that the various parties did not also rely on other norms to gain legitimacy. All factions (whether government, rebel, elite, or subaltern) legitimized their movement almost exclusively on the premise that they defended the Constitution and the rule of law. As we saw in chapter 2, whereas the colonial regime relied on legislation, tradition, custom, religion, and social conventions to gain legitimacy, the republican government made an intentional effort to elevate legislation as the dominant norm for legitimating authority and determining justice. By the 1830s–1840s, this effort had borne some fruit: complaints against an official no longer accused him of violating traditions or social conventions but rather confined the complaint to how he had transgressed against legislative boundaries.

In a similar manner, in the 1846–1847 uprising, none of the actors called for a return to traditional values or institutions, or for overturning the social order. Rather, Liberal and Conservative party leaders, elite and subaltern rebels all described themselves as upholding the constitutional

order and accused their adversaries of destroying it. In previous uprisings, the partisans might claim to defend the law but also relied heavily on arguments about other issues. Regional antagonism against rule from Bogotá motivated Venezuela's secessionist movements of 1826 and 1830. A few minor uprisings occurred in the early 1830s, purportedly to reunite Gran Colombia but more accurately to restore the position of military personnel who had lost status after the secession. The only major rebellion of the period, in 1835, was a conservative effort to restore the prestige of the military and the Church against the growing power of the liberal, civilian-led government. In this insurrection, the rebelling officers made appeals to honor, law, *fueros*, and tradition, while the government called for support of the Constitution. In the rebellions of the 1840s, however, all of the partisans sought support through references to the Constitution, while none of them made calls for tradition, *fueros*, old social structures, or the restoration of honor.

When captured rebels spoke of why they rebelled, like their elite counterparts they spoke mostly of their desire to protect the Constitution and the laws. They rejected a government that appeared to be capricious or to serve the interests of a small clique, and instead wanted a government that upheld the legal principles that had inspired the independence wars in the first place. The interrogations are, of course, a problematic source, and the words of the captives should not be accepted without skepticism. The fact that captives repeat certain themes does not mean that they believe them. The repetition does, however, reveal a prevailing zeitgeist that legitimate action supported the rule of written law.

The rebellion of 1846–1847 also illuminated numerous contradictions inherent in the liberal-republican project. Among these were the liberal and antiliberal norms that drove the economy. Though dedicated to capitalism, legal and economic structures upheld numerous legacies of the noncapitalist past. If we understand capitalism as "a society permeated by the market and organized around relations of free wage labor," Venezuela in the 1840s was still wide of the mark. As in most of Latin America at the time, politics and economics were often guided by patronage, violent force, and personal relations rather than market relations.[122] The elites espoused capitalism but at the same time upheld slavery and *jornalero* laws, which contradicted the preservation of natural rights, the sanctity of contract, and an embrace of a free market of labor and commodities.

Additionally, the interelite debate over the LLC showed ambiguity with the inequality produced by liberal economics. Liberal ideologues did not pursue economic egalitarianism, but rather recognized that economic

inequality was an inevitable outcome of a free market. As José Vargas said in 1833, "In order for all to be equally happy, it is not necessary that they be equally rich and powerful. Such a level of equality is absurd and incompatible with our nature, as we do not all have the same capacity."[123] However, the effects of unregulated credit markets disturbed even the most avid liberals. Ten years after Vargas's statement, during the struggle over the LCC, Tomás Lander complained that the republic now suffered due to too much wealth inequality: "So many colossal fortunes alongside so many bankruptcies, needy people, and confiscations of property, only tell us that there is great corruption within the social organization."[124]

The violence of the 1840s, of course, also represented the continuation of social and regional tensions that had existed since the colonial period. In the region of the llanos, most people lived in a world without the formal hierarchies and institutions of the urban centers or coastal region. At least since the eighteenth century, *llaneros* had chafed against the intrusions of propertied elites who tried to impose laws and strict racial hierarchies that fit their economic interests. By this time, across the colonial *Capitanía General*, society had been marked by rising pressure from nonwhites and the poor for more equality and economic opportunity, which the *mantuanos* met with resistance and outrage. Initially the independence movement, led by creole elites, failed to gain the support the rural poor and the slaves who had little trust in their creole oppressors. Eventually, the republicans' liberal language of equality gained the loyalty of the rural poor. The rural poor proved a decisive factor in securing independence and defending the republic's government in the 1820s–1830s. However, by the 1840s, the promise of equality and economic opportunity had not borne fruit.

The republic had a deeply inconsistent posture toward equality because it promoted both liberalism and patriarchy. Liberal ideology promoted equality in broad terms, but in concrete terms it failed to bring legal, political, social, or economic equality. The free market of liberalism benefited the rich more than the poor, as the rich had the capital, the social networks, and the education to benefit from a free market. The resulting wealth disparity led to political inequality, as the rich gained political influence but the poor remained in their poverty. The need to enter the liberal marketplace of transatlantic trade, the scarcity of rural labor, and a vision of the countryside as the cradle of barbarism justified an increase in the patriarchal power of propertied men at the expense of the rural poor, so that *padres de familia* could control labor and maintain social order.

Traditional notions of patriarchy granted to *padres de familia* legitimate authority over the poor. Despite rhetoric to the contrary, racism continued apace and the poor, many of whom were nonwhite, did not fit into the elites' vision of republican citizenship. The poor *llaneros* posed as a particularly egregious contrast to the proper citizen as they lived a seminomadic, violent lifestyle that had little relationship to bourgeois values. The *jornalero* laws sought to keep the rural poor in line and to promote the export economy, which elites saw as the path to prosperity. These values excluded the rural poor from political participation and social respectability. Even if officials were lax in upholding the *jornalero* laws, the laws highlighted to the poor how the government and elites regarded them as contemptible and dishonorable. The republic relied upon their military strength but did not treat them as citizens.

The concerns of the rural poor that prompted them to rebel were related to the economy, political power, and honor. These intertwined factors cannot be discussed in isolation from each other. Under both the colonial and republican regimes, poor *llaneros* lived a marginalized, impoverished existence in which elites viewed them as dishonorable. Independence, however, had created a new reality in which the *llaneros* held considerable military power, could alter national politics, and had absorbed republican values. The republican regime, however, repressed poor *llaneros* much more than had its colonial predecessor. The *llaneros* never required a lot of economic relief—this was a society accustomed to deprivation and harsh conditions. Nor did they pursue great political power—they had a very parochial outlook and never postured themselves as the new masters of the country. They did, however, require honor and a degree of freedom of action. The government offered them neither and paid the price.

Conclusion

Across the middle period, Venezuelans underwent a series of dynamic transformations in political, economic, social, and cultural terms. Colonial and republican regimes sought to centralize the state's legislative and judicial power, to construct unambiguous administrative hierarchies, and to establish the supremacy of legislation as the dominant norm of justice and legitimate authority. Presumably, the more orderly state would facilitate a more efficient economy and a more productive society. Though republicans promoted more executive autonomy at the provincial level than did the Bourbons, they did so only under the agreement that the central government determined judicial and administrative hierarchies and controlled the production of legislation. As republicans pushed for equality, they strengthened patriarchal privileges that granted propertied men authority over the poor and solidified male dominance over women. Though republicans claimed to destroy the old regime, very often they continued and accelerated reforms that had begun under "Spanish tyranny."

At the same time, the republican state enforced changes in political practice that were scarcely imaginable under Bourbon absolutism: elections, popular participation, the destruction of legally inherited privileges, and the development of a vibrant public sphere. Neither the historical interpretation that independence marked an abrupt break with the past, nor the view that it was nothing more than colonial legacies under new leadership, rings true. The independence movement was revolutionary, and, like all revolutions, it carried forth more of the past than perhaps the revolutionaries wanted to admit.

The independence wars fostered in Venezuela and all of Latin America a new code of morals, ethics, and justice. In short, the revolutions demanded a new political culture, which is never easy to accomplish. As Rousseau wrote, "Liberty is a succulent morsel, but one difficult to digest." Historians recognize that postindependence instability came in large part due to the resulting "crisis of legitimacy," as the population did not spontaneously accept the authority of those in power. We must keep in mind that this crisis applied not only to the top of the political pyramid. The attempt to win legitimacy and to effect liberal change required that Venezuelans alter widespread notions of justice and morality not only with regard to presidents, congresses, and *caudillos*, but also toward middle- and low-level officials. The republic attempted to continue a Bourbon ambition: to create a modern, centralized, hierarchical bureaucratic state. This effort contradicted traditional value systems, which upheld parallel normative orders (honor and law), parallel political structures (local, regional, and central government; the *Audiencia*, viceroy, military, and Church), and parallel justice systems (*Audiencia*, lower courts, ecclesiastical court, and military court). The crisis of legitimacy permeated all levels of governance. Presidents, senators, generals, mayors, justices of the peace, lawyers, and town councilmen all faced a situation in which the very process in which they acquired and exercised their authority could be challenged.

Venezuelan revolutionaries were not nearly as ambitious or brutal as the French Jacobins or the Russian Bolsheviks, who aspired to prune away all features of the old regime and create an entirely new society. Venezuelan liberals did not intend to cause a dramatic overhaul of all society, but rather focused on political, legal, and economic structures and hoped that social change would follow. They anticipated that authority would no longer flow from the king, the Church, and tradition, but rather from an elected government and the rational laws it produced. Nonetheless, in altering the form of the state, they also sought to morph their society's moral-ethical framework, to change the political culture and the standards of legitimacy that underpin all stable governments.

The fate of Venezuela during the first decades of independence demonstrates the tremendously complex, multifaceted nature of such efforts. This study has examined only a portion of those fronts upon which the republic's success depended: sufficient agricultural production to expand export revenues; credit markets that helped agriculture and commerce to expand; enough jobs for a growing population; an administration that could collect sufficient taxes to feed state coffers; a state with enough

credit to secure international loans; a state that enjoyed a monopoly on the legitimate use of force; a military that was subordinate to the civilian authorities but also powerful enough to maintain order; stable Church–state relations; free and fair elections; governmental transparency; the creation of new legislation; court and administrative officials that complied with the legislation's new standards; a population that considered the elected officials, the legislation, and the courts to be just and legitimate; an elite class that cooperated with the government; and a free press that provided an example of liberal political culture while also serving as a watchdog of society and the state. Each of these fronts was intertwined with all the others, and inadequacy on any one front could cause systemic failure.

All of the region's fledgling governments faced numerous structural obstacles to the aspiration to construct modern nation-states. Geographic obstacles and deficient infrastructure meant slow transportation, poor communication, weak cultural cohesion, and anemic nationalism. Enormous public debt and colonial methods of production slowed economic growth and impeded all state projects. Widespread illiteracy, regionalism, and local *caudillos* hampered the advance of republican virtues and national unity.

Still, compared to most other Spanish American republics, Venezuela had an enormous advantage in that its elites were much closer to ideological agreement than elsewhere (except perhaps Chile). Subaltern *pardos* supported liberalism because of its promise of equality, freedom, and opportunity. The widespread support for liberalism among elites derived in large part from colonial conditions such as their distance from viceregal centers and connections to transatlantic trade. For the colonial elites, these conditions resulted in exposure to Enlightenment ideas, a relatively weak Church that could not fully censor foreign philosophy, and a desire for greater economic freedoms. Even those elites who did not approve of political liberalism embraced the advent of free trade. After independence, the near consensus on liberalism became yet stronger as the country's leading *caudillo*, José Antonio Páez, joined with leading liberals who promoted civilian, commercial interests. The alliance of pro-liberal military and civilian power blessed this country with more stability than occurred in most other young republics.

Consequently, the early Venezuelan republic enjoyed a remarkable amount of success on several of the fronts mentioned above. Liberals gained unambiguous supremacy over ideological rivals (royalists and conservatives). The civilian government dominated the Church; aside from

one failed military uprising in 1835, no segment of society picked up arms in defense of the Church. The civilian government also gained ascendance over the military and brought rogue generals to heel. Regional *caudillos* remained a palpable force, yet not a serious threat to the government. By the late 1820s, exports had returned to colonial levels and continued to rise. Suffrage rates were among the highest in the Atlantic world, slavery slowly faded away, and a robust free press proved to have real political clout. Government officials adopted dramatic new administrative standards that embraced legislation as their guiding force rather than the preservation of customs, traditions, or religion. The court system remained a strong, respected institution, and it assumed numerous liberal standards such as a clear judicial hierarchy, transparency, due process, and empirical standards of evidence. Freedom of expression and of religion became widespread values.

A thread running through all of these issues was the honor system. Across the middle period, in Venezuela as elsewhere in the Atlantic world, the honor code of the old regime remained largely intact, preserving patriarchal and racial hierarchies. A person's honor was directly associated with his or her status, power, and credibility. The qualities that affected honor could be inherited (e.g., family, race, and wealth) or based on character (e.g., honesty, courage, respect for authority, decorum, self-control, and work ethic). Across the middle period, starting with Bourbon Reforms, honor became less based on inherited qualities and increasingly on bourgeois values of individualism, personal merit, and economic productivity. The founding of the republic accelerated this process of associating honor with behavior rather than inheritance, as the government abolished all legal inherited privileges and racial differences. The republic democratized honor and enshrined it within the Constitution as something akin to the natural rights of life, liberty, and property. Government-sanctioned honor became associated with the qualities of good citizenship, such as sacrifice to the republic, dedication to the law, and economic productivity.

In theory, the preservation of honor and patriarchy seem to contradict the liberal promise of equality and minimalist government, but in fact all these intertwined factors were dependent upon each other. Government-sanctioned honor appears antithetical to liberalism, as honor preserves hierarchy and derives from a citizen's reputation and social status. Presumably, reputation is well outside the bailiwick of a truly liberal, minimalist government that concerns itself with protecting life and property while maximizing personal liberty. The honor code surely slowed the advent of liberal paradigms in some regards, as it preserved racial and

patriarchal inequality. At the same time, the persistence of the honor code strengthened patriarchal hierarchies, which were familiar and enjoyed the legitimacy of millennia-old custom. Honor and patriarchy, therefore, enabled liberalism to gain a foothold by facilitating social stability during a time of rapid change and promoting republican virtues such as respect for authority, political participation, and a work ethic.

On the other hand, liberals' embrace of patriarchy justified the persistence of antiliberal inequities in the law codes, such as slavery, *jornalero* laws, and *patria potestad*. Such legal frameworks clearly violated the liberal notion of natural equality, but the persistence of legal hierarchies was consistent with liberal theorists of the time. Early nineteenth-century liberals did not seek to create an egalitarian society, and they did not intend to use the power of the state to refashion society. Rather, they hoped to abolish legal inequities and allow the individual more political and economic opportunity. They hoped to decouple political, economic, and social power, so that power in one area did not necessarily confer power in another. Such decoupling, however, applied principally to propertied men. Liberals recognized some legal inequalities (such as race, class, and aristocracy) as social constructs and therefore in need of reform. At the same time, liberals viewed some inequalities (such as gender) as natural and therefore embraced patriarchal hierarchy, as they considered *padres de familia* to be well suited to oversee the moral character of their subordinates.

Across the middle period, social mobility increased as hierarchies became less based on inheritable characteristics (lineage and race) and more attached to personal merit. The colonial regime granted honor to the manual trades and allowed subjects to purchase a different racial status. The independence movement in 1811 abolished racial hierarchy and replaced it with a political hierarchy based on property ownership. During the vicissitudes of the war, Bolívar and other military leaders were less interested in assessing citizenship through property. Rather, they promoted a classical sense of virtue and citizenship based on martial merit, in which status derived from an individual's sacrifice and competence in serving the republican cause. After the war, however, this version of civic virtue was gradually replaced by bourgeois virtue, which measured merit not through physical courage and sacrifice, but through obedience to law, the promotion of public order, and economic production.[1] Suffrage laws that required property ownership helped elites to preserve their power. Such laws were universal throughout republics in the Western world at this

time; they should not be scorned as simple elitism but rather recognized as congruent with a millennia-old acceptance of the need for hierarchies.

The rules surrounding patriarchy also remained solidly in place. The contributions that women made during the independence wars had little effect on their condition afterward. They returned to a domestic realm regulated by *patria potestad* such that their bodies, property, and public voice remained under male dominion. Women's legal status and property rights remained virtually unchanged throughout the middle period. Proper, upper-class, honorable women should be chaste, subordinate, demure, obedient, and dutiful to their men and the state. They should spend their lives largely within the confines of the house and avoid the clamor of the street and public politics. Rules for women in the lower and middle classes were similar but, of course, they did not have the luxury to sustain a lifestyle cloistered in the home and had to participate in the hustle and bustle of the outside world in order to earn a living. The process of independence brought one easily recognizable change to women's status; the ideal Republican Mother managed a proper home and raised virtuous children who would serve the republic. The Republican Mother, like the traditional maternal figure, obeyed and sacrificed to patriarchal authorities (fathers, husbands, and the state) and did not have a public voice. Still, in raising virtuous citizens, the Republican Mother performed a political act and had a political role, which was a novel aspect of feminine identity.

On the other hand, men and women who threatened the patriarchal system could lose both respect and their rights. The most prevalent insults of the day, *puta* and *vago*, reflected the low regard for people who did not uphold their proper roles as chaste women and authoritative men within a property-owning family. In colonial and republican society, the whore and the vagabond were the foil of the proper subject and citizen: lazy, disruptive, and vice-ridden. Legally, they were a criminal class; culturally they were a threat to the economy, the political system, enlightened progress, and social decency. The legal charge of being a *vago* expanded to include poor men merely suspected of lacking employment, of living a shiftless life, and of failing to provide for a family as its patriarch. Like poor single women (who lacked a male protector), they could lose basic legal rights. Suspected *vagos* and single women did not enjoy the right to privacy and, in the courtroom, legal evidence could be based not just on empirical testimony but also their reputations. Women who challenged *patria potestad* by suing for divorce or alimony, even if they did not face criminal

charges, might suffer these same legal disadvantages. All of these men and women lived outside proper patriarchal roles and, therefore, threatened patriarchal values. Society questioned their honor and the state offered them fewer rights.

Still, these subaltern groups pushed back and used republican-liberal ideology to defend their rights. The fact that subalterns challenged their subordination was nothing new, but the conceptual paradigms they used had changed. In the courts, women employed a language of individual rights as they fought over matters such as domestic abuse, divorce, and alimony. Women did not dispute their subordinate role in a patriarchal society. Nonetheless, they described marriage less in terms of a mystical, religious bond but more as a secular contract between rational, consenting individuals. Women argued that they had individual, natural rights that persisted in their roles as daughters, mothers, and wives. They portrayed marriage as a reciprocal arrangement in which men enjoyed *patria potestad* only if they upheld their obligations to provide and protect. Women successfully pressed for alimony based not on the colonial paradigm of the *miserable* but instead on the premise that they enjoyed natural rights to life and property.

The violence of the 1840s revealed many of the contradictions woven into the republic. Within a polity that espoused equality, the elites excluded the poor from the political system and treated them like *vagos* and slaves. Within a state that promoted freedom of expression, the elites failed to accept political opposition as legitimate. Within a political culture that cultivated disagreement, there was no acceptance of a "loyal opposition" and political discourse soon became violent. With political tensions exacerbated by economic stress, eventually the Conservatives denied access to the Liberals, just as both parties had done to the poor. The excluded made common cause against those in power, elite consensus and hegemony broke down, and rebellion ensued. All of these factors had lasting effects, as they prompted the Conservative Oligarchy to hand power to José Tadeo Monagas, who then smashed the Conservative Oligarchy and established an authoritarian regime.

The rebellion also illuminated the hybridity of the republic's political and legal culture. Like women in the courts, poor men resisted oppression by embracing traditional and modern standards that did not always fit together in a stable manner. On the one hand, the rebellion showed ways in which the country failed to unify society behind a modern, republican belief that government should be for the people and by the people. Many of the rural poor did not believe that the government represented

their interests, and they considered their land and honor threatened. As has occurred under similar circumstances since time immemorial, they rebelled.

At the same time, the rebellion had numerous, peculiarly modern features, especially in comparison to previous rebellions that had strong regionalist or conservative qualities. The preconditions for the struggle derived in part from the emergence of modern political party strategy, as Liberal elites made common cause with the poor. The Liberal Party remained ambivalent and divided in this regard, but its strategy to gain mass support through addressing the concrete problems of the popular classes showed a broadening sense of the franchise and a democratization of party politics. The tinder of the conflagration of 1846–1847 was, in part, the instability caused by deregulated credit markets. The spark was alleged electoral fraud. The free press fanned the flames. The main concern voiced by all partisans was devotion to written law. None of the actors called for a return to traditional values or institutions, or for overturning the social order. Rather, Liberal and Conservative party leaders, elite rebels, and even subaltern rebels, all described themselves as upholding the constitutional order and accused their adversaries of destroying it. Clearly not everybody was a sincere apostle of the Constitution, but within just a few decades of independence, republican discourse had achieved a widespread veneration for legislation that was scarcely present under the colonial regime.

Public discourse in the 1840s showed both how politically similar the opposing sides were and the dangers of creating liberal institutions before liberal political culture had fully taken root. Elites on both sides wanted a liberal political and economic system, and their differences over credit laws and how far to expand the franchise seem comparatively minor in the grand scheme of things. The poor wanted more rights and respect, but they, too, favored a liberal republic. Elite discourse, however, had no tradition of liberal practices such as pluralistic politics and loyal opposition. The debate in the 1830s–1840s resorted to colonial standards, marked by socio-moral complaints, accusations that ideological opponents were bad citizens and bad *padre de familias*, and a view that any affront was a threat to all decency and civilization. The advent of a free press and party politics could function only with a widespread acceptance of a loyal opposition. In its absence, republican unity fell apart.

Press discourse often had the guise of an enlightened, rational debate, but was in fact suffused with traditional values. The text of the discourse, therefore, was often either less important than the subtext or entirely off

point. The argument was not only about proper credit laws, whether to abandon slavery, and who should have the vote. The argument was also about who had more honor, status, and clout, regardless of the topic of debate. In the young republic, traditional customs and values remained in place even as people claimed otherwise; new values contradicted old customs but did not replace them. To further complicate matters, the essence of the problem was fundamentally economic. Dependent on export commodities, Venezuela's economy was vulnerable to international supply and demand, which was beyond the country's control. Only a radical new economic paradigm could address that vulnerability; changing the party in power could not. Nonetheless, elites looked for a political solution to what was fundamentally an economic problem. Therefore, they could not accurately diagnose problems in the current system, and they could not peacefully debate them.

Profound changes of a liberal character coexisted with traditional legacies (racism, patriarchy, limited franchise, a strict social hierarchy, and the lack of a loyal opposition) in a manner that defied lasting stability. The advent of elections and a ratified constitution alone do not mean that a country has truly digested liberal ideology. On the other hand, the occurrence of rebellions does not mean that no change has occurred or that change is impossible. The process is multifaceted, and Venezuela is an example of a republic that, in its first thirty years, had remarkable successes on some fronts and inadequate changes on others.

Notes

Introduction

Unless otherwise noted, all translations are the author's. I have preserved the spelling of names found in the original documents, which sometimes do not match contemporary spellings.

1. *El Argos*, September 6, 1825, 3.
2. *El Argos*, September 23, 1825, 1–2.
3. Ibid.
4. Keith Baker, "Introduction," in *The Political Culture of the Old Regime*, edited by Keith Baker (New York: Pergamon Press, 1987), xii.
5. José Gaos, *Historia de nuestra idea del mundo* (Mexico City: El Colegio de México, Fondo de Cultura Económica, 1973), 244.
6. Peter Guardino, *Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800–1857* (Stanford, CA: Stanford University Press, 1996), 10. See also William M. Reddy, *The Rise of Market Culture: The Textile Trade in French Society, 1750–1900* (New York: Cambridge University Press, 1984).
7. On liberalism in Chile's early republic, see Simon Collier, *Chile: The Making of a Republic* (Cambridge: Cambridge University Press, 2003).
8. Tulio Halperín Donghi, "Argentina: Liberalism in a Country Born Liberal," in *Guiding the Invisible Hand: Economic Liberalism and the State in Latin American History*, ed. Joseph L. Love and Nils Jacobsen (New York: Praeger, 1988), 101–4.
9. See Marixa Lasso, *Myths of Harmony: Race and Republicanism During the Age of Revolution* (Pittsburgh, PA: University of Pittsburgh Press, 2007); James Sanders, *Contentious Republicans: Popular Politics, Race, and Class in Nineteenth-Century Colombia* (Durham, NC: Duke University Press, 2004); Winthrop R. Wright, *Café con Leche: Race, Class, and National Image in Venezuela* (Austin: University of Texas Press, 1990).
10. Silvia Marina Arrom, *The Women of Mexico City, 1790–1857* (Stanford, CA: Stanford University Press, 1985), 9.

11. Antonio Arraíz, *Los días de la ira: Las guerras civiles en Venezuela, 1830–1903* (Valencia, Venezuela: Vadell Hermanos, 1991), 29–35. I would like to thank Aura Rojas for introducing me to this source.

12. Christine Hünefeldt, *Liberalism in the Bedroom: Quarreling Spouses in Nineteenth-Century Lima* (University Park: Pennsylvania State University Press, 2000), 33.

13. *El Tiempo*, February 12, 1846, found in Gilbert Joseph and Timothy Henderson, eds., *The Mexico Reader: History, Culture, Politics* (Durham, NC: Duke University Press, 2002), 220–25; Lucas Alamán, *The History of Mexico (1849–51)*, found in Janet Burke and Ted Humphrey, ed., *Nineteenth-Century Nation Building and the Latin American Intellectual Tradition* (Indianapolis, IN: Hackett, 2007), 173–98.

14. *Facundo: Civilization or Barbarism*, 1845, found in Burke and Humphrey, ed., *Nineteenth-Century Nation Building*, 124–47.

15. Frank Safford, "Politics, Ideology and Society in Post-Independence Spanish America," in *Spanish America After Independence, ca. 1820–ca. 1870*, ed. Leslie Bethel (Cambridge: Cambridge University Press, 1987), 48.

16. David Bushnell and Neill Macaulay, *The Emergence of Latin America in the Nineteenth Century* (New York: Oxford University Press, 1988), 29–31.

17. Tulio Donghi, "Economy and Society," in *Spanish America After Independence, ca. 1820–ca. 1870* (Cambridge: Cambridge University Press, 1987), 1.

18. Shmuel Noah Eisenstadt and Wolfgang Schluchter, "Paths to Early Modernities—A Comparative View," *Dædalus* 127, no. 3 (1998): 1–3.

19. Javier Fernández Sebastián, "Revolucionarios liberales. Conceptos e identidades políticas en el mundo Atlántico," in *Las Revoluciones en el Mundo Atlántico*, ed. María Teresa Calderón and Clément Thibaud (Bogotá, Colombia: Universidad Externado de Colombia, 2006), 232–36; Cecilia Méndez, *The Plebeian Republic: The Huanta Rebellion and the Making of the Peruvian State, 1820–1850* (Durham, NC: Duke University Press, 2005), 29; Elena Plaza, *El patriotismo ilustrado, o la organización del estado en Venezuela, 1830–47* (Caracas, Venezuela: Universidad Central de Venezuela, 2007), 52.

20. Fermín Toro, *El Argos*, March 30, 1825, and April 8, 1825; Antonio Leocadio Guzmán, "Ojeada al proyecto de constitución que el Libertador ha presentado a la república Bolívar," 1826, in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 5, 25–26.

21. Sarah Chambers, "Political Ideas, Political Cultures: New Works on the Middle Period in Spanish America," *Latin American Research Review* 42, no. 2 (2007): 180.

22. Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (New York: Blackwell, 1985).

23. François-Xavier Guerra, "The Implosion of the Spanish Empire: Emerging Statehood and Collective Identities," in *The Collective and the Public in Latin America. Cultural Identities and Political Order*, ed. Luis Roniger and Tamar Herzog (East Sussex, UK: Sussex Academic Press, 2000). See also Jonathan Eastwood, *The Rise of Nationalism in Venezuela* (Gainesville: University of Florida Press, 2006).

24. François Xavier Guerra, "De la política antigua a la política moderna. La revolución de la soberanía," in *Los espacios públicos en Iberoamérica: Ambigüedades y*

problemas, siglos XVIII–XIX, ed. François Xavier Guerra and Annick Lemperiere (Mexico City: Fondo de Cultura Económica, 1998); François Xavier Guerra and M. D. Demélas-Bohy, "The Hispanic Revolutions: The Adoption of Modern Forms of Representation in Spain and America (1808–1810)," in *Elections Before Democracy: The History of Elections in Europe and Latin America*, ed. Eduardo Posado-Carbó (New York: St. Martin's, 1996).

25. Guardino, *Peasants*, 163. See also Peter Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750–1850* (Durham, NC: Duke University Press, 2005), 222.

26. George Reid Andrews, *Afro-Latin America, 1800–2000* (New York: Oxford University Press, 2004); Peter Blanchard, *Under the Flags of Freedom: Slave Soldiers and the Wars of Independence in Spanish South America* (Pittsburgh, PA: University of Pittsburgh, 2008); Aline Helg, *Our Rightful Share: The Afro-Cuban Struggle for Equality, 1886–1912* (Chapel Hill: University of North Carolina Press, 1995); Lasso, *Myths*; Sanders, *Contentious Republicans*; Wright, *Café con Leche*.

27. Michael T. Ducey, "Liberal Theory and Peasant Practice: Land and Power in Northern Veracruz, Mexico, 1826–1900," in *Liberals, the Church, and Indian Peasants: Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert Jackson (Albuquerque: University of New Mexico Press, 1997); Guardino, *Time*; Nils Jacobsen, "Liberalism and Indian Communities in Peru, 1821–1920," in *Liberals, the Church, and Indian Peasants: Corporate Lands and the Challenge of Reform in Nineteenth-Century Spanish America*, ed. Robert Jackson (Albuquerque: University of New Mexico Press, 1997); Marcela Echeverri, "Popular Royalists, Empire, and Politics in Southwestern New Granada, 1809–1819," *Hispanic American Historical Review* 91, no. 2 (2011): 237–69.

28. Chambers, "Political Ideas."

29. See Carmen Diana Deere and Magdalena León, "Liberalism and Married Women's Property Rights in Nineteenth-Century Latin America," *Hispanic American Historical Review* 85, no. 4 (2005): 627–78; Elizabeth Dore, "One Step Forward, Two Steps Back: Gender and the State in the Long Nineteenth Century," in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxine Molyneux (Durham, NC: Duke University Press, 2000).

30. Arrom, *Women of Mexico City*; Sarah Chambers, "To the Company of a Man Like My Husband, No Law Can Compel Me: The Limits of Sanctions Against Wife Beating in Arequipa, Peru, 1780–1850," *Journal of Women's History* 11, no. 1 (1999); Ana Lidia García Peña, "Madres solteras, pobres y abandonadas: Ciudad de México, Siglo XIX," *Historia Mexicana* 53, no. 3 (2004): 647–92; Laura Shelton, *For Tranquility and Order: Family and Community on Mexico's Northern Frontier, 1800–1850* (Tucson: University of Arizona Press, 2010).

31. Hünefeldt, *Liberalism in the Bedroom*; García Peña, "Madres solteras."

32. Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786–1904* (Lincoln: University of Nebraska Press, 2004), chap. 5 and 6.

33. Elías Pino Iturrieta, *Fueros, civilización y ciudadanía* (Caracas, Venezuela: Universidad Católica Andrés Bello, 2000); Elías Pino Iturrieta, *Las ideas de los primeros venezolanos* (Caracas, Venezuela: Fondo Editorial Tropykos, 1987); Elías Pino Iturrieta, *País archipiélago: Venezuela 1830–1848* (Caracas, Venezuela: Fundación Bigott, 2002).

34. Díaz, *Female Citizens*, chap. 1 through 6.

35. "The debate between patriarchy and equality consumed their energies," ibid., 186.

36. J. G. Peristiany, *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966); J. G. Peristiany, ed., *Mediterranean Family Structures* (Cambridge: Cambridge University Press, 1976).

37. A brief list of studies outside Latin America includes the following: Geoffrey Best, *Honour Among Men and Nations: Transformations of an Idea* (Toronto, Canada: University of Toronto Press, 1982); Kenneth S. Greenberg, *Honor & Slavery* (Princeton, NJ: Princeton University Press, 1996); William M. Reddy, *The Invisible Code: Honor and Sentiment in Postrevolutionary France, 1814–1848* (Berkeley: University of California Press, 1997); Bertram Wyatt-Brown, *Honor and Violence in the Old South* (New York: Oxford University Press, 1986).

38. R. Douglas Cope, *The Limits of Racial Domination* (Madison: University of Wisconsin Press, 1994); Lyman Johnson and Sonya Lipsett-Rivera, *Faces of Honor: Sex, Shame, and Violence in Colonial Latin America* (Albuquerque: University of New Mexico Press, 1998); Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821* (Stanford, CA: Stanford University Press, 1988); Steven Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: University of North Carolina Press, 1995).

39. Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780–1854* (University Park: Pennsylvania State University Press, 1999); Shelton, *For Tranquility*; Jeffrey Shumway, *The Case of the Ugly Suitor and Other Histories of Love, Gender, & Nation in Buenos Aires, 1776–1870* (Lincoln: University of Nebraska Press, 2005); Victor Uribe-Uran, *"Honorable Lives": Lawyers, Family, and Politics in Colombia, 1780–1850* (Pittsburgh, PA: University of Pittsburgh Press, 2000); Pamela Voekel, *Alone Before God: The Religious Origins of Modernity in Mexico* (Durham, NC: Duke University Press, 2002).

40. Silvia Marina Arrom, *Containing the Poor: The Mexico City Poor House, 1774–1871* (Durham, NC: Duke University Press, 2000); Robert Paul Matthews, *Violencia rural en Venezuela, 1840–1858: Antecedentes socioeconómicos de la guerra federal* (Caracas, Venezuela: Monte Avila Editores, 1977); Richard Warren, *Vagrants and Citizens: Politics and the Masses in Mexico City from Colony to Republic* (Wilmington, DE: Scholarly Resources, 2001).

41. Francis Fukuyama, ed., *Falling Behind: Explaining the Development Gap Between Latin America and the United States* (New York: Oxford University Press, 2008), 279.

42. Uribe-Uran, *Honorable Lives*.

43. M. C. Mirow, *Latin American Law: A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004); Roberto Gargarella, "Towards a Typology of Latin American Constitutionalism, 1810–60," *Latin American Research Review* 39, no. 2 (2004): 141–54; John Henry Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America*, 3rd ed. (Stanford, CA: Stanford University Press, 2007).

44. Linda Arnold, "Vulgar and Elegant: Politics and Procedure in Early National Mexico," *The Americas* 50, no. 4 (1994): 481–500. Also see Sarah Chambers, "Private Crimes," and Rosanna Barragán, "The 'Spirit' of the Bolivian Laws: Citizenship, Patriarchy, and Infamy," in *Honor, Status, and Law in Modern Latin America*, ed. Sueann

Caulfield, Sarah Chambers, and Lara Putnam (Durham, NC: Duke University Press, 2005).

45. Graciela Soriano de García-Pelayo, *Venezuela 1810–1830: Aspectos desatendidos de dos décadas* (Caracas, Venezuela: Fundación Manuel García-Pelayo, 2003), 125.

46. Pino Iturrieta, *País archipiélago*, 9.

47. Guillermo Morón, *A History of Venezuela*, tran. John Street (New York: Roy Publishers, 1963), 148–50.

48. Catalina Banko, *Poder político y conflictos sociales en la república oligárquica, 1830–1848* (Caracas, Venezuela: Fondo Editorial Lola de Fuenmayor, 1986); Eleonora Gabaldón, *La constitución de 1830: El debate parlamento y la opinión de la prensa* (Caracas, Venezuela: Instituto Autónomo Biblioteca Nacional, 1991). An exception would be Manuel Perez Vila, who asserts that there was far more social mobility and change after independence, although not enough to satisfy the rising expectations of the lower classes. See Manuel Perez Vila, "El gobierno deliberativo. Hacendados, comerciantes y artesanos frente a la crisis, 1830–1848," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas, Venezuela: Fundación John Boulton, 1976), 49–54.

49. Eastwood, *Nationalism*; Pino Iturrieta, *País archipiélago*; Plaza, *Patriotismo*.

50. Díaz, *Female Citizens*; Olga González-Silen, "Unexpected Opposition: Independence and the Leva of 1809 in the Province of Caracas," *The Americas* 68, no. 3 (2012): 347–75; Kim Morse, "When the Priest Does Not Sympathize with El Pueblo: Clergy and Society in El Oriente Venezolano, 1843–1873," *The Americas* 59, no. 4 (2003): 511–35. Elías Pino Iturrieta and Luis Felipe Pellicer do not focus principally on subalterns, yet their exploration of the practices and values of daily life includes subalterns alongside elites.

51. For examples, see Díaz, *Female Citizens*; Eva Moreno, *La ruina de las familias, del estado y de la religión: divorcio y conflictos maritales en Venezuela, 1700–1829* (Caracas, Venezuela: Fundación Central Nacional de Historia, 2009); Morse, "When the Priest."

52. José Carlos Chiaramonte, "The 'Ancient Constitution' after Independence (1808–1852)," *Hispanic American Historical Review* 90, no. 3 (2010): 487.

Chapter 1

1. Pedro Mendinueta, *Memoria sobre el nuevo reino de Granada, 1803. A Report Concerning the Viceroyalty of New Granada by Viceroy Pedro Mendinueta*, ed. John Leiby (Lewiston, NY: Edwin Mellen Press, 2004), 77.

2. John Lynch, "Spanish America's Poor Whites: Canarian Immigrants in Venezuela, 1700–1830," in *Latin American Between Colony and Nation, Selected Essays*, ed. John Lynch (New York, NY: Palgrave, 2001), 60

3. Pedro Cunill Grau, *Geografía del poblamiento venezolano en el siglo XIX* (Caracas, Venezuela: Ediciones de la Presidencia de la República, 1987), 29, 43–54.

4. Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786–1904* (Lincoln: University of Nebraska Press, 2004), 31–33.

5. Robert Ferry, *The Colonial Elite of Early Caracas: Formation & Crisis, 1567–1767* (Berkeley: University of California Press, 1989), 139–43.

6. *Mantuanos* referred to themselves as the "nobility of Caracas," but in fact by the late eighteenth century fewer than 10 out of the 100 *mantuano* families held a title. Díaz, *Female Citizens*, 23. See also Ferry, *Colonial Elite*, 217–19. The derivation of the term *mantuano* is not entirely clear. It is possible that the term *mantuano* referred to the *mantas* (shawls) that only elite women could wear. For example, see Elina Lovera Reyes, *De leales monárquicos a ciudadanos republicanos: Coro 1810–1858* (Caracas, Venezuela: Academia Nacional de la Historia, 2007), 27; Fundación Polar, *Diccionario de historia de Venezuela*, CD-ROM (Caracas, Venezuela: Fundación Polar, 2000), "Mantuanos." However, it is also possible that the term came from the War of the Mantuan Succession, 1628–31.

7. Lovera Reyes, *De leales*, 27–35; Arlene Urdaneta Quintero, *Tiempos de federación en el Zulia: Construir la nación en Venezuela* (Caracas, Venezuela: Academia Nacional de la Historia, 2008), 56.

8. Díaz, *Female Citizens*, 24–25; Elías Pino Iturrieta, *Fueros civilización y ciudadanía* (Caracas, Venezuela: Universidad Católica Andrés Bello, 2000), 45–47.

9. Elías Pino Iturrieta, *Contra lujuria, castidad: Historias de pecado en en siglo XIII venezolano* (Caracas, Venezuela: Alfadil Ediciones, 1992), 28, 31.

10. Ibid., 14–16.

11. Pino Iturrieta, *Fueros*, 47–49.

12. For example, a 1759 census of Caracas revealed that the city's elite families comprised 9 percent of the city's population: 574 whites who lived in 85 households. All of the city's elites resided within a zone that was five by six city blocks, based around the *plaza mayor* and the cathedral. In perhaps half of these households, the husband and wife were consanguineous kin. Ferry, *Colonial Elite*, 216–19. See also Lovera Reyes, *De leales*, 32–35.

13. In order to offer some sense of Venezuela's social, economic, and political diversity, throughout this book I compare developments in Caracas with those in the city regions of Coro and Maracaibo. These two cities recommend themselves as points of comparison not only because they were competitive with Caracas but also because they were centers of royalism during the wars of independence. Although I would like to follow more regions (i.e., the east, the southern plains, the Andes Mountains, etc.), doing so would reduce the book's cohesion.

14. See María Antonieta Martínez Guarda, *La región histórica de Coro y su articulación en tres momentos de la historia de Venezuela: 1528–1824* (Caracas, Venezuela: Consejo Nacional de la Cultura [CONAC], 2000).

15. Urdaneta Quintero, *Tiempos de federación en el Zulia: Construir la nación en Venezuela* (Caracas, Venezuela: Academia Nacional de la Historia, 2008), 55–60; Fundación Polar, *Diccionario*, "Maracaibo."

16. Robert Ferry asserts that the Bourbon Reforms began first in Caracas in the early 1750s, under the reign of Ferdinand IV. Ferry, *Colonial Elite*, 241–42, 54.

17. John Fisher, "The Effects of Comercio Libre in New Granada and Peru," in *Reform and Insurrection in Bourbon Nueva Granada and Perú*, ed. J. R. Fisher, A. J. Kuethe, and A. McFarlane, 147–63 (Baton Rouge and London: Louisiana State University Press, 1990); Christine Hünefeldt, *Liberalism in the Bedroom: Quarreling Spouses in Nineteenth-Century Lima* (University Park: Pennsylvania State University Press, 2000), 17.

18. Alan Knight, *Mexico*, vol. II, *The Colonial Era* (New York: Cambridge University Press, 2002), part 2, chap. 2.

19. Prior to 1717, only the western parts of Greater Venezuela were subordinate to Bogotá, whereas the central and eastern areas were subordinate to Santo Domingo.

20. Mendinueta, *Memoria*.

21. José Manuel Restrepo, *Historia de la revolución de la república de Colombia en la América meridional* Besançon, France: Imprenta de José Jacquin, 1858), vol. 1, xx.

22. Alí Enrique López Bohórquez, *Los ministros de la Audiencia de Caracas (1786–1810), caracterización de una elite burocrática del poder español en Venezuela* (Caracas, Venezuela: Biblioteca de la Academia Nacional de Historia, 1984), 65–74.

23. Ibid., 111–25; Robinzon Meza, "La élite caraqueña frente a la reorganización político-administrativa de Venezuela en el último cuarto del siglo XVIII," *Islas* 100 (1991): 7–19.

24. See Díaz, *Female Citizens*, 52–53; Elías Pino Iturrieta, *La mentalidad venezolana de la emancipación, 1810–1812* (Caracas, Venezuela: Universidad Central de Venezuela, 1971), 35–39.

25. See P. Michael McKinley, *Pre-Revolutionary Caracas: Politics, Economy, and Society 1777–1811* (Cambridge: Cambridge University Press, 1985), 63.

26. Malcolm Deas, "Venezuela, Colombia and Ecuador: The First Half-Century of Independence," in *Cambridge History of Latin America*, ed. Leslie Bethel (Cambridge: Cambridge University Press, 1989), 511. Also see David Bushnell, *The Santander Regime in Gran Colombia* (Newark: University of Delaware Press, 1954), 1. Coffee was the principal export after 1800, whereas previously it had been cacao. Other exports included indigo, tobacco, mules, beef, ham, hides, sheepskin, leather goods, cotton, wheat, and linens.

27. For example, in 1799 the *consulado* and *cabildo* of Caracas argued against the Crown's trade restrictions. Their discourse about property rights sounded nearly liberal in content in that they asserted, "their private rights practically entitled them to violate political dictates, which came close to claiming that private property rights came before political decisions." Jeremy Adelman, *Sovereignty and Revolution in the Iberian Atlantic* (Princeton, NJ: Princeton University Press, 2006), 113.

28. Found in Pino Iturrieta, *La mentalidad venezolana*, 47.

29. Alexander von Humboldt, *Personal Narrative of Travels to the Equinoctial Regions of America During the Years 1799–1804* (London: George Bell & Sons, 1907), 141.

30. Mary Watters, *A History of the Church in Venezuela, 1810–1930* (Chapel Hill: University of North Carolina Press, 1933), 49.

31. Found in Pino Iturrieta, *La mentalidad venezolana*, 39.

32. Found in ibid., 49–50.

33. Humboldt, *Personal Narrative*, 141.

34. Díaz, *Female Citizens*, 45.

35. Luis Felipe Pellicer, *La vivencia del honor en la provincia de Venezuela, 1774–1809* (Caracas, Venezuela: Fundación Polar, 1996), 111.

36. Ibid., 35–38.

37. Díaz, *Female Citizens*, 31–33.

38. Pellicer, *Vivencia del honor*, 73–83; Díaz, *Female Citizens*, 4, 31.

39. Díaz, *Female Citizens*, 97–103.

40. Santos Rodulfo Cortés, ed., *El régimen de "las gracias al sacar" en Venezuela durante el periodo hispánico* (Caracas, Venezuela: Academia Nacional de la Historia, 1978), vol. 1, 629–31.

41. Inés Quintero, *El marquesado del Toro, 1732–1851: nobleza y sociedad en la Provincia de Venezuela* (Caracas, Venezuela: Academia Nacional de la Historia, 2009), 107–20. Quote found on page 113.

42. Letter from the *Ayuntamiento* of Caracas to King Carlos IV, November 28, 1796. Found in Héctor García Chuecos, ed., *Estudios de historia colonial venezolana*, Tomo 2 (Caracas, Venezuela: Tipografía Americana, 1938), 92–94.

43. Quintero, *El marquesado*, 120.

44. German Carrera Damas, *Una nación llamada Venezuela: proceso sociohistórico de Venezuela (1810–1974)* (Caracas, Venezuela: Monte Avila Editores, CA, 1984), 40; Marixa Lasso, *Myths of Harmony: Race and Republicanism During the Age of Revolution* (Pittsburgh, PA: University of Pittsburgh Press, 2007), 25–26; Pino Iturrieta, *Fueros*, 7–11; Quintero, *El marquesado*, 122–31.

45. Found in Cortés, ed., *El régimen*, vol. 2, 118–23.

46. Pellicer, *Vivencia del honor*; Cortés, ed., *El régimen*, vol. 1, 530–32.

47. Pellicer, *Vivencia del honor*, 111.

48. Cortés, ed., *El régimen*, vol. 1, 641.

49. McKinley, *Pre-Revolutionary Caracas*, 98, 115.

50. Pellicer, *Vivencia del honor*.

51. Pino Iturrieta, *Fueros*, 35.

52. Quintero, *El marquesado*, 133–35.

53. Ibid., 135.

54. Found in Pedro Grases, *La conspiración de Gual y España y el ideario de la independencia* (Caracas, Venezuela: Instituto Panamericano de Geografía e Historia, 1949), app. 2.

55. Lasso, *Myths*, 29–32; Díaz, *Female Citizens*, 4, 52–55.

56. For more on Miranda, see John Maher, ed., *Francisco de Miranda: Exile and Enlightenment, Nineteenth-Century Latin American Series* (London: Institute for the Study of the Americas, 2006); William Robertson, *The Life of Miranda* (Chapel Hill: University of North Carolina Press, 1929); Philip John Sheridan, *Francisco de Miranda: Forerunner of Spanish-American Independence* (San Antonio, TX: Naylor Company, 1960).

57. Díaz, *Female Citizens*, 55.

58. Ibid.; Quintero, *El marquesado*, 245–48.

59. Juaquin Varela Suanzes-Carpegna, *La teoría del estado en los orígenes del constitucionalismo hispánico (las cortes de Cádiz)* (Madrid, Spain: Centro de Estudios Constitucionales, 1983), 10–29; O. Carlos Stoetzer, "The Hispanic Tradition," in *Latin American Revolutions, 1808–1826: Old and New World Origins*, ed. John Lynch, 241–46 (Norman: University of Oklahoma Press, 1994).

60. Quintero, *El marquesado*, 175–92.

61. "Gloria al Bravo Pueblo," music by Juan José Lanaeta, words by Vicente Salias, 1810. Found in *Canciones Patrioticas Del Siglo XIX-1, 1810*, compact disc (Centro de Arte, La Estancia, Gobierno Bolivariano de Venezuela, 2008).

62. *Semanario de Caracas*, December 23, 1810. José Domingo Díaz, Pedro José Muñoz, and Miguel José Sanz, ed. Semanario de Caracas, edición facsimilar. Caracas, Venezuela: Academia Nacional de Historia, 1959. Italics in original.

63. Quintero, *El marquesado*, 195–225.

64. Ibid., 225–36.

65. Gary M. Miller, "Status and Loyalty of Regular Army Officers in Late Colonial Venezuela," *Hispanic American Historical Review* 66, no. 4 (1986): 667–98.

66. Quintero, *El marquesado*, 241.

67. Ibid., 238–44.

68. Ibid., 245–48.

69. McKinley, *Pre-Revolutionary Caracas*, Epilogue; Manuel Lucena Salmoral, *Vísperas de la independencia americana: Caracas* (Madrid, Spain: Alhambra, 1986).

70. Inés Quintero, *La criolla principal: María Antonia Bolívar, hermana del Libertador* (Caracas, Venezuela: Fundación Bigott, 2003), 26–40.

71. Quintero, *El marquesado*, 405.

72. Gladys Ortega Dávila, "La logística del Ejército Libertador durante la Guerra de Independencia en Venezuela (1817–1821)," in *Temas de historia contemporánea de Venezuela*, ed. Germán Yépez Colmenares (Caracas, Venezuela: Universidad Central de Venezuela, 2005).

73. Cunill Grau, *Geografía*, 70.

74. See Tomás Straka, *La voz de los vencidos: Ideas del partido realista de Caracas, 1810–1821* (Caracas, Venezuela: Universidad Central de Venezuela, 2000).

75. Quintero, *La criolla principal*, 15–16.

76. Quintero, *El marquesado*.

77. Urdaneta Quintero, *Tiempos*, 45, 59.

78. Miller, "Status," 693–96.

79. Urdaneta Quintero, *Tiempos*, 56–57; Fundación Polar, *Diccionario*, "Maracaibo." As happened elsewhere in the Captaincy General, the local military officers followed the lead of their local *cabildo* or *junta*, so in Maracaibo they were royalists. Miller, "Status."

80. See Martínez Guarda, *La región histórica*, 53–70.

81. Lovera Reyes, *De leales*, 80–107; Fundación Polar, *Diccionario*, "Coro."

82. Urdaneta Quintero, *Tiempos*, 60.

83. Lovera Reyes, *De leales*, 35, 80–105.

84. Unlike in Mexico and the central Andes, the indigenous population of Venezuela was too small and scattered to serve as a serious force in the independence wars. One notable exception were the *Caquetío*, natives of the region surrounding Coro, who offered significant support to the royalists of that city. Ibid., 39, 76–77.

85. Lasso, *Myths*, 47–48.

86. Julie Skurski, "The Leader of the 'People': Representing the Nation in Postcolonial Venezuela," PhD diss., University of Chicago, 1993, 24–25.

87. George Dawes Flinter, *A History of the Revolution of Caracas; Comprising an Impartial Narrative of the Atrocities Committed by the Contending Parties* (London: T. and J. Allman, 1819), 22–23.

88. Peter Blanchard, *Under the Flags of Freedom: Slave Soldiers and the Wars of Independence in Spanish South America* (Pittsburgh, PA: University of Pittsburgh, 2008), 64–67; Lasso, *Myths*, 49–55.

89. Blanchard, *Under the Flags*, 66–83.

90. Lasso, *Myths*, 55.

91. Humboldt, *Personal Narrative*, vol. 1, 397.

92. Ibid., vol. 1, 142.

93. See Evelyn Cherpak, "The Participation of Women in the Independence

Movement in Gran Colombia, 1780–1810," in *Latin American Women: Historical Perspectives*, ed. Asunción Lavrin (Westport, CT: Greenwood Press, 1978); Rebecca Earle, "Rape and the Anxious Republic: Revolutionary Colombia, 1810–1830," in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxine Molyneux, 127–46 (Durham, NC: Duke University Press, 2000).

94. Perez Vila, "El gobierno deliberativo. Hacendados, comerciantes y artesanos frente a la crisis, 1830–1848," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas, Venezuela: Fundación John Boulton, 1976), 45.

95. See Aline Helg, *Liberty & Equality in Caribbean Colombia, 1770–1835* (Chapel Hill: University of North Carolina Press, 2004), 165–66; Blanchard, *Under the Flags*, 66–83.

96. Helg, *Liberty & Equality*, 147–50.

97. See Perez Vila, "El gobierno deliberativo," 54.

98. John V. Lombardi, *The Decline and Abolition of Negro Slavery in Venezuela, 1820–1854* (Westport, CT: Greenwood Press, 1971), 35.

99. This percentage comes from estimating the 1850 total population at 1,403,118, based on the *Memoria de Hacienda*, 1865. See Tomás Enrique Carrillo Batalla, *Cuentas nacionales de Venezuela, 1831–1873* (Caracas, Venezuela: Banco Central de Venezuela, 2001), 151.

100. For more on the manumission process, see Lombardi, *Decline and Abolition*.

101. Perez Vila, "El gobierno deliberativo," 49–51. See also Quintero, *El marquesado*, 335–37.

102. Quintero, *La criolla principal*, 92–94.

103. Arlene Díaz, "Aristocrats, Lawyers, the Military, and Landowners: The Masculine Struggles for Political Leadership in Venezuela, 1777–1830," conference paper presented at symposium on *New Elites, Old Regimes: Trajectories of Imperial Change, 1700–1850* (New Haven, CT: Yale University, 2006). For a similar story about the rising prestige of lawyers in republican Columbia, see Victor Uribe-Uran, *"Honorable Lives": Lawyers, Family, and Politics in Colombia, 1780–1850* (Pittsburgh, PA: University of Pittsburgh Press, 2000).

104. On Peru's postwar aristocrats, see Paul Rizo Partrón Boylan, "Del aguardiente al champagne. La aristocratización de la burguesía peruana en el siglo XIX," in *La experiencia burguesa en el Perú (1840–1940)*, ed. Carmen McEvoy (Madrid, Spain: Iberoamericana, 2004).

105. *Semanario de Caracas*, December 23, 1810. Jose Domingo Díaz, Pedro José Muñoz, and Miguel José Sanz, ed. *Semanario de Caracas, edición facsimilar*. (Caracas, Venezuela: Academia Nacional de Historia, 1959).

106. Pino Iturrieta, *Fueros*, 54–58. See Simón Bolívar, "Address at Angostura" (1819). Found in Simón Bolívar, *Simón Bolívar: doctrina del Libertador*, ed. Manuel Perez Vila (Caracas, Venezuela: Biblioteca Ayacucho, 1985).

107. Elías Pino Iturrieta, *Las ideas de los primeros venezolanos* (Caracas, Venezuela: Fondo Editorial Tropykos, 1987), 27.

108. Pino Iturrieta, *Fueros*, 51–53.

109. Díaz, *Female Citizens*, 111.

110. Ibid., 238.

111. 1830 Constitution, Articles 15–16.

112. Díaz, *Female Citizens*, 111. See also Díaz, "Aristocrats, Lawyers, the Military."

113. Juan Vicente González, *El Venezolano*, no. 121, Caracas, July 6, 1842. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 3, 37–42.

114. Elena Plaza, *El patriotismo ilustrado, o la organización del estado en Venezuela, 1830–47* (Caracas, Venezuela: Universidad Central de Venezuela, 2007), 52–53.

115. 1821 Constitution, Article 15.

116. On continuity between late colonial and postindependence state projects, see Jeremy Adelman, *Republic of Capital: Buenos Aires and the Legal Transformation of the Atlantic World* (Stanford, CA: Stanford University Press, 1999); Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780–1854* (University Park: Pennsylvania State University Press, 1999); Díaz, *Female Citizens*; Uribe-Uran, *Honorable Lives*; Pamela Voekel, *Alone Before God: The Religious Origins of Modernity in Mexico* (Durham, NC: Duke University Press, 2002).

117. See Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969).

118. 1830 Constitution, Article 190.

119. 1821 Constitution, Article 156.

120. 1821 Constitution, Article 178; 1830 Constitution, Article 209.

121. Antonio Leocadio Guzmán, "Ojeada al proyecto de constitución que el Libertador ha presentado a la república Bolívar," 1826, in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 5, 36.

122. Tomás Lander, "Manual del Colombiano o Explicación de la Ley Natural," in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 93.

123. 1821 Constitution, Article 55, subsection 19.

124. *El Observador*, January 1, 1824, 1b.

125. In 1844, only a total of 13,100 students (less than 2 percent of the total population) were enrolled in primary education, *colegios nacionales*, and the universities. Elke Nieschulz de Stockhausen, *Periodismo y política en Venezuela: cincuenta años de historia* (Caracas, Venezuela: Universidad Católica Andrés Bello, 1981), 30. For more on this subject, see Aureo Ypez Castillo, *La educación primaria en Caracas en la época de Bolívar* (Caracas, Venezuela: Academia Nacional de la Historia, 1985); Rafael Férnandez Heres, *La educación venezolana bajo el signo de la ilustración, 1770–1870* (Caracas, Venezuela: Biblioteca de la Academia Nacional de la Historia, 1995).

126. Adelman, *Republic of Capital*, 166.

127. Lander, "Manual," in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 74.

128. See Perez Vila, "El gobierno deliberativo," 46–47.

129. Simón Bolívar, "Address at Angostura," 1819. Found in Simón Bolívar, *Simón Bolívar: doctrina del Libertador*, ed. Manuel Perez Vila (Caracas, Venezuela: Biblioteca Ayacucho, 1985), 105.

130. "Colombia en MDCCCXXVIII o lo que deberá ser en 1828," 1828. Found in Fundación John Boulton (FJB), Archivo Histórico General (AHG), 1928, Carpeta 145, ff. 4–7.

131. François Xavier Guerra, "The Implosion of the Spanish Empire: Emerging Statehood and Collective Identities," in *The Collective and the Public in Latin Amer-*

ica. Cultural Identities and Political Order, ed. Luis Roniger and Tamar Herzog (East Sussex, UK: Sussex Academic Press, 2000), 91.

132. See David Brading, "Patriotism and the Nation in Colonial Spanish America," in *Constructing Collective Identities and Shaping Public Spheres: Latin American Paths*, ed. Luis Roniger and Mario Sznajder, 13–45 (Portland, OR: Sussex Academic Press, 1998).

133. Jonathan Eastwood, *The Rise of Nationalism in Venezuela* (Gainesville: University of Florida Press, 2006), 140–50.

134. Pino Iturrieta, *Fueros*, 103–26.

135. Bushnell, *Santander Regime*, 37.

136. By decade, the total number of law graduates from the Caracas University follows: 1790–99: 58; 1800–09: 63; 1810–19: 37; 1820–29: 43. Outside of Caracas, Venezuela's only other law school was in the distant Andean city of Mérida. Rogelio Pérez-Perdomo, *Los abogados en Venezuela* (Caracas, Venezuela: Monte Avila Editores, CA, 1981), 64–66.

137. Colonial administrators also had problems finding qualified personnel, as discussed by the viceroy of Nueva Granada in 1803. Mendinueta, *Memoria*, 108–9.

138. For example, Archivo General de la Nación (AGN), Ministro de Interior y Justicia (I&J), 1830, Tomo 3, Expedientes 1 and 34. Pino Iturrieta also notes the lack of enthusiasm among early republicans to hold public office. See Pino Iturrieta, *Fueros*, 144–45.

139. Perez Vila, "El gobierno deliberativo," 59–60.

140. 1821 Constitution, Article 15; 1830 Constitution, Article 14.

141. People with right to vote in 1845: 61,606 illiterate, 22,200 literate; in 1847: 89,763 illiterate, 39,022 literate. David Bushnell, "La evolución del derecho del sufragio en Venezuela," *Boletín Histórico*, no. 29 (1972): 202.

142. Ibid.

143. Urdaneta Quintero, *Tiempos*, 45–47, 72–73; Fundación Polar, *Diccionario*, "Constituciones"; Tomás Enrique Carrillo Batalla, *Historia de la legislación venezolana* (Caracas, Venezuela: Academia de Ciencias Políticas y Sociales, 1984), vol. 2, 9–10.

144. Urdaneta Quintero, *Tiempos*, 61–68. The *Sociedad Económica de Amigos del País* was a voluntary association, found throughout the Hispanic world during this period, dedicated to disseminating information to merchants, planters, and artisans to help the country's economy.

145. Ibid., 66.

146. Ibid., 61–68.

147. Lovera Reyes, *De leales*, 143–61.

148. Pino Iturrieta, *Fueros*, chap. 5.

149. Letter from Monagas to Páez, 1826. FJB, Archivo del General José Antonio Páez (AGJAP), Carpeta 94.

Chapter 2

1. Tomás Lander, "Notables del mes de julio," in the pamphlet *Fragmentos, Número 9*, published by Tomás Antero, 1835. Found in *Pensamiento político venezo-*

lano del siglo XIX: textos para su estudio, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 4, 317–20.

2. Ibid., 317.

3. An expanded form of this section can be found in Reuben Zahler, "Complaining Like a Liberal: Redefining Law, Justice, and Official Misconduct in Venezuela, 1790–1850," *The Americas* 65, no. 3 (2009): 351–74.

4. As we will see in chapter 3, the courts remained comparatively strong and effective after independence.

5. Michael Scardaville, "Justice by Paperwork: A Day in the Life of a Court Scribe in Bourbon Mexico City," *Journal of Social History* 36, no. 4 (2003): 989–90.

6. Linda Arnold, "The Professionalization of the Bureaucracy in Late Colonial Mexico City," *New World* 1 (1986): 92–107.

7. Susan Migden Socolow, *The Bureaucrats of Buenos Aires, 1769–1810: Amor al Real Servicio* (Durham, NC: Duke University Press, 1987).

8. The "civil law" tradition is distinct from the "common law" tradition, which holds sway in the Anglo-American sphere, including Britain, the United States, Canada, Australia, and New Zealand. Today, the civil law tradition is practiced in continental Europe, Latin America, parts of Asia and Africa, and the US state of Louisiana.

9. Chris Albi, "Derecho Indiano Versus the Bourbon Reforms: The Legal Thought of Francisco Xavier Gamboa," in *Enlightened Reform in Southern Europe and Its Atlantic Colonies, ca. 1750–1830*, ed. Gabriel Paquette (Farnham, England: Ashgate, 2009); Osvaldo Barreneche, *Crime and the Administration of Justice in Buenos Aires, 1785–1853* (Lincoln: University of Nebraska Press, 2006), 23; Peter Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750–1850* (Durham, NC: Duke University Press, 2005), 111–17.

10. Albi, "Derecho Indiano."

11. *Siete Partidas*, Partida tercera, Título 1, Ley 3.

12. The *Siete Partidas* stipulated that legal decisions and punishments had to vary depending on the status of the parties: "We cannot establish a certain amendment or punishment . . . because people and their acts are not considered equal" (*Siete Partidas*, Parte 7, Título 9, Ley 21). On the legal weight granted to custom, see Parte 1, Título 2, Ley 5.

13. Tamar Herzog, *Upholding Justice: State, Law and the Penal System in Quito (1650–1750)* (Ann Arbor: University of Michigan Press, 2004), 9–35.

14. See Francisco Tomás y Valiente, *La venta de oficios en Indias (1492–1606)* (Madrid, Spain: Instituto Nacional de Administración Pública, 1982); Kenneth J. Andrien, "Corruption, Self-Interest, and the Political Culture of Eighteenth-Century Quito," in *Virtue, Corruption, and Self-Interest: Political Values in the Eighteenth Century*, ed. Richard K. Matthews (Bethlehem, PA: Lehigh University Press, 1994).

15. Robert Ferry, *The Colonial Elite of Early Caracas: Formation & Crisis, 1567–1767* (Berkeley: University of California Press, 1989), 116–17.

16. Tamar Herzog, "Reglas jurídicas e integración social: El comercio (Quito, primera mitad del Siglo XVIII)," in *Actas y estudios del XI congreso del instituto internacional de historia del derecho indiano* (Buenos Aires, Argentina: Instituto de Investigaciones de Historia del Derecho, 1997), Tomo IV.

17. Anthony McFarlane, "Political Corruption and Reform in Bourbon Spanish

America," in *Political Corruption in Europe and Latin America*, ed. Walter Little and Eduardo Posada-Carbó (New York: St. Martin's, 1996); Horst Pietschmann, "Corrupción en las Indias Españolas: Revisión de un debate en la historiografía sobre hispanoamérica colonial," in *Instituciones y Corrupción en la Historia*, ed. Manuel González Jimenez, Horst Pietshmann, Francisco Comín, and Joseph Pérez (Valladolid, Spain: Universidad de Valladolid, 1998),

18. Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786–1904* (Lincoln: University of Nebraska Press, 2004), 24–25.

19. Santos Rodulfo Cortés, ed., *El régimen de "las gracias al sacar" en Venezuela durante el periodo hispánico* (Caracas, Venezuela: Academia Nacional de la Historia, 1978), vol. 1, 629–31.

20. See Luis Felipe Pellicer, *La vivencia del honor en la provincia de Venezuela, 1774–1809* (Caracas, Venezuela: Fundación Polar, 1996), 25–33.

21. Found in Héctor García Chuecos, ed., *Estudios de historia colonial venezolana*, Tomo 2. (Caracas, Venezuela: Tipografía Americana, 1938), 92–94.

22. Letter from Andres Boggiero, December 1, 1799. Archivo de la Academia Nacional de Historia (AANH), Causas Civiles y Criminales (CCC), 1800, Sevilla: Ministerio de Educación y Cultura. Archivo General de Indias. Ags/Secretaria Guerra, 7205, Expediente 9, ff. 729–30.

23. M. C. Mirow, *Latin American Law: A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004), 138.

24. Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (New York: Cambridge University Press, 2002), 260.

25. Irene Castells and Elena Fernández García, "Las mujeres y el primer constitucionalism español (1810–1823)," *Historia Constitucional (revista electrónica)* 9 (2008), accessed http://www.historiaconstitucional.com/index.php/historiaconstitucional, paragraph 1.

26. Legality means there can be no crime or penalty without a statute enacted by the legislature, and therefore actions are criminal only if they violate a piece of legislation that preexisted the action. John Henry Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America*, 3rd ed. (Stanford, CA: Stanford University Press, 2007), 127.

27. Elena Plaza, "El 'patriotismo ilustrado,' o la organización de los poderes públicos en Venezuela, 1830–1847," *Revista Politeia* no. 29 (2002): 73.

28. Simón Bolívar, "El Discurso de Angostura," 1819. Found in Simón Bolívar, *Simón Bolívar: doctrina del Libertador*, ed. Manuel Perez Vila (Caracas, Venezuela: Biblioteca Ayacucho, 1985), 121.

29. José Antonio Páez, *Autobiografía del General José Antonio Paéz* (Lima, Peru: Ediciones Antártida, 1960), vol. 2, 295.

30. *El Observador Caraqueño*, January 1, 1824, 2a.

31. See, for example, *El Constitucional*, October 15, 1825, 4; *El Argos*, April 8, 1825, 3–4.

32. See Tulio Chiossone, *Formación jurídica de Venezuela en la colonia y en la república* (Caracas, Venezuela: Universidad Central de Venezuela, 1980), 192; Tomás Enrique Carrillo Batalla, *Historia de la legislación venezolana* (Caracas, Venezuela: Academia de Ciencias Políticas y Sociales, 1984).

33. 1821 Constitution, Articles 180 and 185; 1830 Constitution, Articles 185 and 210.

34. 1830 Constitution, Article 188.

35. 1821 Constitution, Article 167, and 1830 Constitution, Article 196: "Nobody can be judged, much less punished, except in virtue of a law that exists prior to the crime or action, and after having been legally heard and cited."

36. The Ministry of the Interior held responsibility for such diverse areas as the judicial system, communication between provinces, administrative standards and conduct, police, domestic peace, public education, religion, indigenous peoples, public health, etc. For more on this lengthy list of responsibilities, see Plaza, "Patriotismo ilustrado," 75.

37. Archivo General de la Nación (AGN), Ministro de Interior y Justicia (I&J), Tomo 6, Expediente 45, f. 289.

38. Fundación Polar, *Diccionario de historia de Venezuela*, CD-ROM (Caracas, Venezuela: Fundación Polar, 2000), "Castañeda, Juan Estanislao."

39. AGN, I&J, Tomo 4 (1830), Expediente 8, ff. 54–58.

40. AGN, I&J, Tomo 87 (1834), Expediente 28, ff. 291–93.

41. AGN, I&J, Tomo 91 (1834), Expediente 15, ff. 108–10 and Expediente 16, ff. 111–14.

42. AGN, I&J, Tomo 91 (1834), Expediente 4, ff. 13–18.

43. AGN, I&J, Tomo 387 (1849), Expediente 55. For other cases of the misuse of doctor's notes to avoid public service, see Elías Pino Iturrieta, *Fueros, civilización y ciudadanía* (Caracas, Venezuela: Universidad Católica Andrés Bello, 2000), 145–46.

44. See, for example, AGN, I&J, Tomo 3 (1830), Expediente 36, f. 356; Tomo 4 (1830), Expediente 8, ff. 54–58; Tomo 1 (1830), Expediente 1; Tomo 5 (1830), Expediente 31, ff. 423–27; Tomo 91 (1834), Expediente 1, ff. 1–8.

45. AGN, Expedientes Criminales y Civiles (CC), 1826, H-10. "Hernández Felipe, contra él por palabras injurias que dijo con el Regidor de la Plaza Mayor."

46. AGN, CC, 1826, B-02, ff. 1–2b. "Bolet contra el alcalde de Guarenas por pesos que debe a un huérfano."

47. 1830 Constitution, Articles 190 and 196.

48. In the contemporary state of Falcón.

49. Archivo Histórico de Coro (AHC), Causas Criminales (CC), #171 (1832), ff. 1–1b.

50. AGN, CC, 1850, M-02, ff. 7–8b, "Felipe Marcano quejándose contra el juez 1° de paz de Charallave."

51. AGN, CC, 1850, C-09, f. 6. "Francisco Castillovestia pidiendo amparo de los abusos del juez parroquial de Ocumare."

52. For example, AHC, CC, 1838, #441; 1839, #503. See also AGN, CC, 1835, C-02; 1844, C-28; 1849, M-01; 1849, P-06; 1850, C-14 #1; 1850, C-15.

53. For a colonial example, see AANH, 1804, 14-5736-1. For republican examples, see AGN, CC, 1822, L-04; 1826, M-05.

54. See Brian Loveman, *For la Patria: Politics and the Armed Forces in Latin America* (Wilmington, DE: Scholarly Resources, 1999), chaps. 2 and 3.

55. Gary M. Miller, "Status and Loyalty of Regular Army Officers in Late Colonial Venezuela," *Hispanic American Historical Review* 66, no. 4 (1986): 84–85, 90–96, 667–70.

56. David Bushnell, *The Santander Regime in Gran Colombia* (Newark: University of Delaware Press, 1954), chaps. 2 and 3.

57. Antonio Leocadio Guzmán, "A la Historia: Justicia de Colombia en el Año 1826," *La Lira*, June 8, 1827. In *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 5, 69–73. See also Tomás Lander, "El Venezolano," March 6, 1824, in ibid., vol. 4, 28–30.

58. Proclamation of Páez to the Venezuelan people, March 2, 1830. Fundación John Boulton (FJB), Archivo del General José Antonio Páez (AGJAP), Carpeta 34.

59. Military men above the rank of private enjoyed automatic suffrage in elections for representatives to the 1819 Angostura Congress and the 1830 Constituent Congress, although the 1821 Constitution did not grant such voting privileges. David Bushnell, "La evolución del derecho del sufragio en Venezuela," *Boletín Histórico*, no. 29 (1972): 195–99.

60. For examples from Calabozo (southern Caracas province) and Barquisimeto, see AGN, I&J, 1830, Tomo 1, Expediente 1, ff. 2–4b, and Tomo 4, Expediente 8, ff. 54–58.

61. AGN, I&J, Tomo 5, Expediente 14; the *Memoria* del Secretario del Interior y Justicia al Congreso Constitucional, 1831, found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 5, 131.

62. See Catalina Banko, *Las luchas federalistas en Venezuela* (Caracas, Venezuela: Monte Avila Editores Latinoamericana, CA, 1996), 108. Monagas later became the country's president in 1847 and oversaw the downfall of Páez (see chapter 7).

63. Fundación Polar, *Diccionario*, "Cisneros, José Dionisio."

64. Banko, *Luchas federalistas*, 119–26.

65. See ibid., 126–28; Catalina Banko, *Poder político y conflictos sociales en la república oligárquica, 1830–1848* (Caracas, Venezuela: Fondo Editorial Lola de Fuenmayor, 1986), 42–44; Elías Pino Iturrieta, *Las ideas de los primeros venezolanos* (Caracas, Venezuela: Fondo Editorial Tropykos, 1987), 56–61.

66. Letter from Briceño to Páez, July 26, 1835. FJB, AGJAP, Carpeta 100.

67. Found in Banko, *Luchas federalistas*, 126.

68. Fundación Polar, *Diccionario*, "Revolución de las Reformas."

69. *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 12, 204.

70. Ibid., vol. 12, 200.

71. FJB, AGJAP, Carpeta 771.

72. FJB, AGJAP, Carpeta 684. Written in Caracas, July 8, 1835.

73. FJB, AGJAP, Carpeta 39.

74. *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 372.

75. Manuel Perez Vila, "El gobierno deliberativo. Hacendados, comerciantes y artesanos frente a la crisis, 1830–1848," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas, Venezuela: Fundación John Boulton, 1976), 62–63. During this same period, the navy's personnel and ships, which consisted of two schooners and a sloop, remained consistent.

76. For a list, see I&J, Tomo 135 (1836), Expediente 7.

77. Perez Vila, "El gobierno deliberativo," 61–63; Domingo Irwin, *Relaciones*

civiles-militares en Venezuela: 1830–1910 (Caracas, Venezuela: Litobrit, CA, 1996), 15–59.

78. All healthy men between the ages of eighteen and sixty served in militias. Perez Vila, "El gobierno deliberativo," 61.

79. Elías Pino Iturrieta, *Contra lujuria, castidad: Historias de pecado en en siglo XIII venezolano* (Caracas, Venezuela: Alfadil Ediciones, 1992), 16–18.

80. José Manuel Restrepo, *Historia de la revolución de la república de Colombia en la América meridional* (Besançon, France: Imprenta de José Jacquin, 1858), vol. 1, xxxii.

81. Mary Watters, *A History of the Church in Venezuela, 1810–1930* (Chapel Hill: University of North Carolina Press, 1933), 50.

82. José Virtuoso, "Crisis de la catolicidad en los inicios de la República," *El Desafío de la Historia* 2, no. 1 (2009): 55.

83. Giacomo Cassese, "The Religious Conflict in Venezuela During the Revolutionary Age of 1810 to 1830," PhD diss., Lutheran School of Theology, 1996, 134–42; Mireya de Francesco Mur, "Actuación del bajo clero durante la guerra de emancipación venezolana (1811–1821)," in *Temas de historia contemporánea de Venezuela*, ed. Germán Yépez Colmenares (Caracas, Venezuela: Universidad Central de Venezuela, 2005).

84. Cassese, *Religious Conflict in Venezuela*, 136, 150.

85. Manuel Alberto Donís Ríos, "Sotanas con fusiles y lanzas en la mano," *El Desafío de la Historia* 2, no. 1 (2009): 68. For a variety of reasons, some clergy switched sides during the wars. See Tomás Straka, "El obispo realista que se hizo republicano," *El Desafío de la Historia* 2, no. 1 (2009): 60–63.

86. In 1810, the Archdiocese of Caracas had 547 clergy; in 1819, it had only 110. Virtuoso, "Crisis de la catolicidad," 56.

87. Watters, *History of the Church*, 89.

88. Aline Helg, *Liberty & Equality in Caribbean Colombia, 1770–1835* (Chapel Hill: University of North Carolina Press, 2004), 177–80.

89. Watters, *History of the Church*, 73.

90. Manuel Alberto Donís Ríos, "Igelsia e independencia," *El Desafío de la Historia* 2, no. 1 (2009): 44–45.

91. Watters, *History of the Church*, 101–2.

92. Pino Iturrieta, *Las ideas*, 30–32.

93. Watters, *History of the Church*, 103.

94. Found in José Antonio Paéz, *José Antonio Páez: repertorio documental*, ed. Marjorie Acevedo Gómez (Caracas, Venezuela: Biblioteca de la Academia Nacional de Historia, 1997), Document #259, 352–53.

95. Bache visited Gran Colombia in 1822–32. Found in Inés Quintero, *Mirar tras la ventana: Testimonios de viajeros y legionarios sobre mujeres del siglo XIX* (Caracas, Venezuela: AlterLibris Ediciones, 1998), 73.

96. John Hankshaw, *Reminiscences of South America from Two and a Half Years' Residence in Venezuela* (London: Jackson and Walford, 1838), 152–53.

97. "It is evident that the country is rapidly verging towards that state which will fit it for the reception of a purer gospel, or will leave it devoid of any religion at all." Ibid., 40.

98. Watters, *History of the Church*, 155–56.

99. Ibid., 132–33.

100. FJB, Biblioteca venezolana Lord David Eccles, "Panfletos de Ramón Méndez," 1830.

101. Watters, *History of the Church*, 134.

102. Páez, *Autobiografía*, vol. 2, 100–102.

103. AGN, I&J, Tomo 3 (1830), Expediente 24–26, and Tomo 18 (1831), Expediente 22.

104. Watters, *History of the Church*, 138.

105. Fundación Polar, *Diccionario*, "Libertad de Cultos."

106. Reuben Zahler, "Heretics, Vagabonds, and Businessmen: Foreigners in Venezuela's First Decade of Independence," in *Connections After Colonialism: The Reconfiguration of Relations Between Europe and Latin America in the 1820s*, ed. Matthew Brown and Gabriel Paquette (Mobile: University of Alabama Press, 2012).

107. Watters, *History of the Church*, 140.

108. Páez, *Autobiografía*, vol. 2, 103.

109. Ibid.

110. Plaza, "Patriotismo ilustrado," 78.

Chapter 3

1. Archivo General de la Nación (AGN), Expedientes Criminales y Civiles (CC), 1822, L-06. "Lameda Cirpriana contra ella por injurias."

2. On the history of this assumption among historians, see Jorge L. Esquirol, "Continuing Fictions of Latin American Law," *Florida Law Review* 55, no. 31 (2003): 41–114.

3. For example, see John V. Lombardi, *Venezuela: The Search for Order, the Dream of Progress* (Oxford: Oxford University Press, 1982), 158–59.

4. Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786–1904* (Lincoln: University of Nebraska Press, 2004), 136. Whereas Díaz based her quantitative analysis on three five-year samples that spanned a century (1786–90, 1835–40, and 1875–80), this study has data for annual counts from 1786 to 1850. This far more comprehensive dataset was made possible in part by the database of colonial *expedientes*, which the ANH created only after Díaz had completed her research.

5. Simón Bolívar, "Discurso Ante el Congreso de Angostura," 1819. Found in Simón Bolívar, *Simón Bolívar: doctrina del Libertador*, ed. Manuel Perez Vila (Caracas, Venezuela: Biblioteca Ayacucho, 1985).

6. Rogelio Pérez-Perdomo, *El formalismo jurídico y sus funciones sociales en el siglo XIX venezolano* (Caracas, Venezuela: Monte Avila Editores CA, 1978), 14.

7. Lombardi, *Venezuela*, 159.

8. AGN, CC, 1826, M-20. "Manero Peoso José contra él por palabras ofensivas a la autoridad."

9. A *juez* is a judge. The *juez de primera instancia* is a judge of the primary (first level) court of claims, and a *juez de paz* is a justice of the peace.

10. Archivo Histórico de Coro (AHC), Causas Criminales (CC), #459 (1838). "Injuria de palabra, Josefa García en contra de Marcelina."

11. AGN, CC, 1844, A-19. "Acosta Josefa contra Fernando Guillen y Manuela Guzmán por injurias."

12. As mentioned above, Arlene Díaz conducted the only previous quantitative study, which suggested that use of the courts rose after independence. However, most Venezuelan historians continue to hold to the assumption that court use dropped, perhaps because Díaz's book has not yet been translated into Spanish.

13. For the colonial years, regional courts sent copies of their paperwork to the *Audiencia* in Caracas. Therefore, the ANH's database and the AGN's *Índice* provide numbers for all of colonial Greater Venezuela. The comparison between these two datasets in figure 3.1, for the years 1800–21, corresponds to *expedientes* in all of Venezuela. With independence, however, regional courts no longer had to send their paperwork to Caracas. After 1821, therefore, the *Índice* lists the court cases only for the provinces of Caracas and Carabobo.

14. The ANH's database shows that, from 1786 to 1810, the provinces of Caracas and Carabobo accounted for 80 percent of all of Venezuela's *expedientes*. In 1811, this area encompassed 31 percent of Venezuela's population. Pedro Cunill Grau, *Geografía del poblamiento venezolano en el siglo XIX* (Caracas, Venezuela: Ediciones de la Presidencia de la República, 1987), 29. According to the 1831 census, this area held 48 percent of the population. Antonio Arellano Moreno, *Las estadísticas*, xxxiii. Found in Fundación John Boulton (FJB), Item #NC383.

15. The 1812 earthquake occurred in the first year of the First Republic and contributed to its collapse. It killed well over 10,000 people and caused damage as far away as the Andean city of Mérida.

16. See Michael Scardaville, "(Hapsburg) Law and (Bourbon) Order: State Authority, Popular Unrest, and the Criminal Justice System in Bourbon Mexico City," in *Reconstructing Criminality in Latin America*, ed. Carlos Aguirre and Robert Buffington (Wilmington, DE: Scholarly Resources, 2000).

17. Very likely, both increased commerce and administrative changes caused this jump in *expedientes*. Coffee exports rose 400 percent in 1805–9. Fundación Polar, *Diccionario*,"Cafe." *Expedientes* based on financial transactions such as real estate (*tierras* and *casas*), slaves (*esclavos*), and collecting debt (*cobro de pesos*) grew dramatically in 1803–9. Nonfinancial *expedientes* (e.g., marriage conflicts, homicide, assaults, and robbery) also rose.

18. Díaz, *Female Citizens,* 136.

19. Tulio Chiossone describes the war years as "juridical chaos." Tulio Chiossone, *Formación jurídica de Venezuela en la colonia y en la república* (Caracas, Venezuela: Universidad Central de Venezuela, 1980), 124–29.

20. Personal communication, Elena Plaza, April 2008.

21. See David Bushnell, *The Santander Regime in Gran Colombia* (Newark: University of Delaware Press, 1954), 46; Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780–1854* (University Park: Pennsylvania State University Press, 1999), 141–45; Laura Shelton, *For Tranquility and Order: Family and Community on Mexico's Northern Frontier, 1800–1850* (Tucson: University of Arizona Press, 2010), 15–16.

22. Public law concerns relations between the state and individuals, whereas private law concerns relations between individuals or groups.

23. For examples, see Chambers, *From Subjects to Citizens,* 143–44.

24. Díaz, *Female Citizens*, 136.

25. 1821 Constitution, Articles 3 and 5. The 1830 Constitution covers similar ideas in Articles 12 and 188.

26. "Mensaje del Presidente de Venezuela al Congreso de 1836." Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), 96.

27. The number of lawyers dropped by more than one-third, from more than one hundred in 1805 to sixty-five in 1830. Rogelio Pérez-Perdomo, *Los abogados en Venezuela* (Caracas, Venezuela: Monte Avila Editores, CA, 1981), 85–88.

28. By decade, the total number of law graduates from the Caracas University was 1790–99: 58; 1800–09: 63; 1810–19: 37; 1820–29: 43. Outside of Caracas, Venezuela's only other law school was in the distant Andean city of Mérida. Ibid., 64–66. During periods when the republicans controlled Caracas, the *Audiencia* moved to Puerto Cabello.

29. Ibid., 84–88.

30. Ibid., 105–16.

31. Victor Uribe-Uran, "Colonial Lawyers and the Administration of Justice," in *Judicial Institutions in Nineteenth-Century Latin America*, ed. Eduardo Zimmermann (London: University of London, 1999), 30–32, 45. Gran Colombia's Ley of May 17, 1826, Capitulo I, Articulo 13, stipulated that in municipalities without sufficient attorneys, the government should appoint "good men of reason" as judges.

32. Rogelio Pérez-Perdomo, *Latin American Lawyers* (Stanford, CA: Stanford University Press, 2006), 68.

33. Ley of May 11, 1825, Titulo VII, Artículo 161; 1830 Constitution, Article 155; 1836 *Código de procedimiento judicial*, Título III.

34. Pérez-Perdomo, *El formalismo*, 55.

35. Caracas, Carabobo, and Coro provinces held approximately 51.4 percent of the population at the time. Arellano Moreno, *Las estadísticas de las provincias en la época de Páez* (Caracas, Venezuela: Academia Nacional de Historia, 1973), xxxiii.

36. See Linda Arnold, "Sociedad corporativa, corrupción corporativa: la resistencia a la subordinación y al abuso de poder," in *Vicios públicos, virtudes privadas: la corrupción en México*, ed. Claudio Lomnitz, 49–64 (Ciudad de México: CIESAS, 2000).

37. Archivo de la Academia Nacional de Historia (AANH), Causas Civiles y Criminales (CCC) 13-5034-1; 13-5127-3; 14-5744-1; 16-6444-3; Sevilla: Ministerio de Educación y Cultura. Archivo General de Indias. Ags/Secretaria Guerra, 7205, Expediente 9.

38. See AANH, CCC, 1798, 12-4802-1, "Causa seguida por don Rafael Diego Mérida"; AANH, CCC, 1800, 13-5078-5, "Causa seguida por don Antonio López Quintana."

39. See the 1821 Constitution, Títulos 3–6; 1830 Constitution, Títulos 10–23.

40. Ley of May 13, 1825,Titulo 1: Capitulo X: "De las competencias"; 1836 *Código de procedimiento judicial*, Título I, Ley III, Artículos 1–10.

Before Venezuela's first law codification in 1836, the republic relied on its Constitution and Gran Colombian legislation. Very little has been written about the 1836

Código, and debates surrounding its composition remain unexplored. See Tomás Enrique Carrillo Batalla, *Historia de la legislación venezolana* (Caracas, Venezuela: Academia de Ciencias Políticas y Sociales, 1984), vol. 2, 123–35; Elena Plaza, *El Patriotismo ilustrado, o la organización del estado en Venezuela, 1830–47* (Caracas, Venezuela: Universidad Central de Venezuela, 2007), 176–92.

41. This shift contrasts with conditions in early republican Mexico, "where the Supreme Court decided hundreds of conflicts of jurisdiction." Linda Arnold, "Privileged Justice?: The *Fuero Militar* in Early National Mexico," in *Judicial Institutions in Nineteenth-Century Latin America*, ed. Eduardo Zimmermann (London: University of London, 1999), 49.

42. AGN, Ministro de Interior y Justicia (I&J), Tomo 91, Expediente 38.

43. AGN, CC, C-14 #1 (1850). "Competencia entre Juez de 1er Instancia y Dr. Medardo Medina de el Juez de paz de Catia."

44. "Archivado el Expediente en el Archivo Secreto de [la *Audiencia* Real]." AANH, CCC, 13-5078-5.

45. Tamar Herzog, *Upholding Justice: State, Law and the Penal System in Quito (1650–1750)* (Ann Arbor: University of Michigan Press, 2004), 50.

46. AANH, CCC, 13-5127-3. "Autos seguidos por don Juan Manuel de Iturbe Zalaria."

47. Article 4, 1830 Constitution. Article 2, 1821 Constitution, has similar language.

48. *Gaceta de Colombia*, September 26, 1821, 1a.

49. For example, *El Argos*, April 8, 1825, 3–4.

50. "Ya por no haberse formado proceso, ya por no haber manifestado orden de Magistrado para la captura." AGN, CC, 1822, C-19, f. 2b. "Castellano José Martin y otros contra Francisco Fernández por injurias."

51. "Procedural due process" is "the insistence on predetermined rules to try cases." David Bodenhamer, *Fair Trial: Rights of the Accused in American History* (New York: Oxford University Press, 1992), 4. The literature on due process in the common law tradition is vast, and its meaning is complex. This investigation focuses on procedural due process, particularly in criminal cases. For a history of due process, see John Orth, *Due Process of Law: A Brief History* (Lawrence: University of Kansas Press, 2003). See also Joel Gora, *Due Process of Law* (Skokie, IL: National Textbook Company, 1977).

52. The concept of judicial due process has existed in England at least since the signing of the Magna Carta in 1215. Orth, *Due Process*, 7.

53. "The municipal court system adhered to due process not so much as a legal right in the Anglo-American sense, but, emerging from medieval codes and centuries of practice, as a concession from the state to maintain allegiance and authority." Scardaville, "(Hapsburg) Law," 8. On procedures, see also Linda Arnold, "The Professionalization of the Bureaucracy in Late Colonial Mexico City," *New World* 1 (1986): 92–107.

54. Herzog, *Upholding Justice*, 24. See also Michael Scardaville, "Justice by Paperwork: A Day in the Life of a Court Scribe in Bourbon Mexico City," *Journal of Social History* 36, no. 4 (2003): 989–90.

55. Peru's 1826 Constitution, Articles 117–23, stipulated due process protections. On the evolution of Peruvian criminal procedure, see H. H. A. Cooper, "A

Short History of Peruvian Criminal Procedure and Institutions," *Revista de derecho y ciencias politicas* 32, no. 1–3 (1968): 215–68. On the differences between the common law "adversarial" trial and the civil law "inquisitorial" trial, see Máximo Langer, "Revolution in Latin American Criminal Procedure: Diffusion of Legal Ideas from the Periphery," *American Journal of Comparative Law* 55 (2007): 627–30. For a wider look at British influences on Spanish American republics, see Karen Racine, "'This England and This Now': British Cultural and Intellectual Influence in the Spanish American Independence Era," *Hispanic American Historical Review* 90, no. 3 (2010): 423–54.

56. See Uribe-Uran, "Colonial Lawyers," 42–44; Osvaldo Barreneche, *Crime and the Administration of Justice in Buenos Aires, 1785–1853* (Lincoln: University of Nebraska Press, 2006), introduction. Máximo Langer notes that the one significant change from the colonial process that the early republics achieved was the prohibition of torture. Langer, "Criminal Procedure," 627.

57. Personal communication with Rogelio Pérez-Perdomo and Máximo Langer, September 2008.

58. 1830 Constitution, Article 196.

59. Ley of October 12, 1821, Titulo V, Artículo 52; 1836 *Código*, Título I, Ley IV, Artículos 1, 33.

60. AGN, CC, 1826, M-05, ff. 1–1b. "Cuaderno de Corte de los autos formados con motivo de la queja del Sr. Juan Pablo Minalla."

61. Ibid., f. 4.

62. AHC, CC, #171 (1832), ff. 1–1b. "Contra el Juez de Paz de Agua Larga por abuso de autoridad a José Bernardo Gómez."

63. AGN, CC, 1844, C-28. "Cuaderno de Corte."

64. Titulo 8, Ley 6, Artículo 1.

65. AANH, CCC, 16-6170-5. "Causa seguida contra el pulpero Nicolás Parra."

66. *Siete Partidas*, Parte 3, Título 16, Ley 8, and Parte 7, Título 1, Ley 2.

67. If the proof against a defendant was inconclusive, and he had *buena fama*, the judge should free him. If, on the other hand, he had *mala fama*, the authorities could torture him to learn the truth. *Siete Partidas*, Parte 7, Título 1, Ley 26.

68. In contrast, "simple gossip (*labios que corrían*) and rumor" were considered subjective, unsubstantiated, and less reliable than reputation. Herzog, *Upholding Justice*, 213–14.

69. AANH, CCC, 13-5078-5, ff. 86–86b. "Causa seguida por don Antonio López Quintana."

70. Título 1, Ley IV, Artículo 37.

71. The common law tradition rejected reputation as acceptable evidence earlier than did the civil law tradition, though this change in the common law took several decades to solidify. English courts began to disallow the use of character as evidence against defendants in the 1680s. The practice had become quite uncommon by 1714, but still appeared occasionally in court records until it entirely disappeared by the 1780s. The one exception would be if the defense used character as evidence, in which case the prosecution could discuss character as a part of rebuttal. John Langbein, *The Origins of Adversary Criminal Trial* (Oxford: Oxford University Press, 2003), 190–95.

72. AGN, CC, 1826, L-06. "Lameda Cirpriana contra ella por injurias." In the first years after independence, litigants often buttressed their case by accusing their rival of having a reputation as a *godo*.

73. Ibid., f. 12b.

74. Calling Mareno's wife as a witness was somewhat irregular, because the law viewed the testimony from a defendant's relatives as unreliable. The 1821 Constitution, Article 167, and the 1836 *Código*, Título I, Ley IV, Artículo 31.

75. AGN, CC, 1826, M-20, ff. 3b–4. "Manero Peoso José contra él por palabras ofensivas a la autoridad."

76. AHC, CC, #207 (1833), ff. 3–7. "Contra Laura Müller por injuria de palabra a Devora Levy Maduro."

77. AHC, CC, #459 (1838), f. 1. "Injuria de palabra, Josefa García en contra de Marcelina."

78. AGN, CC, 1845, Q-1, f. 25. "Quintana Manuel A. por homicidio y desafío."

79. In contrast, in Bolivia reputation and class continued to reflect on testimony of litigants and witnesses. Rossana Barragán, "The 'Spirit' of the Bolivian Laws: Citizenship, Patriarchy, and Infamy," in *Honor, Status, and Law in Modern Latin America*, ed. Sueann Caulfield, Sarah Chambers, and Lara Putnam (Durham, NC: Duke University Press, 2005), 75–76.

80. Díaz, *Female Citizens*, 140–41.

81. At the legislative level, Venezuela was not unique in these reforms. For instance, Mexico's 1837 judicial administration law also "required all judges to cite jurisprudence rather than simply state findings" and "forbade the courts from prohibiting the publication of" court documents. Arnold, "Privileged Justice," 54. The degree to which Mexican judges complied with these rules will require further research.

Chapter 4

1. Archivo General de la Nación (AGN), Expedientes Criminales y Civiles (CC), 1822, T-02, f. 12. "Torres José Franco contra Miguel Arias por atropellamiento."

2. "Pero el honor es patrimonio del alma, y el alma sólo es de Dios." Pedro Calderón de la Barca, *Pedro Calderón de la Barca: Obras selectas* (Madrid, Spain: Espasa Calpe, SA, 2000), 749.

3. J. M. Briceño Guerrero. Prologue to Luis Felipe Pellicer, *La Vivencia del honor en la provincia de Venezuela, 1774–1809* (Caracas, Venezuela: Fundación Polar, 1996), 11–12.

4. Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, CA: Stanford University Press, 1999), 32.

5. See "Introduction," Lyman Johnson and Sonya Lipsett-Rivera, *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America* (Albuquerque: University of New Mexico Press, 1998).

6. For more, see Pellicer, *Vivencia del honor*, 42.

7. Elías Pino Iturrieta, *Contra lujuria, castidad: Historias de pecado en en siglo XIII venezolano* (Caracas, Venezuela: Alfadil Ediciones, 1992), 125–26.

8. See Johnson and Lipsett-Rivera, *Faces of Honor*, 5; William Ian Miller, *Humiliation and Other Essays on Honor, Social Discomfort, and Violence* (Ithaca, NY: Cornell University Press, 1993), 84.

9. J. G. Peristiany, *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966), 11.

10. See R. Douglas Cope, *The Limits of Racial Domination* (Madison: University of Wisconsin Press, 1994); Johnson and Lipsett-Rivera, *Faces of Honor*.

11. For more on colonial honor throughout Spanish America, see Bernard Lavallé, *Las promesas ambiguas: Ensayos sobre el criollismo colonial en los Andes* (Lima, Perú: Pontificia Universidad Católica del Perú, 1993); Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821* (Stanford, CA: Stanford University Press, 1988); Christian Büschges, "Las leyes del honor: honor y estratificación social en el distrito de la audiencia de Quito, siglo XVIII," *Revista de Indias* 57, no. 209 (1997): 55–84; Twinam, *Public Lives*.

12. Pellicer, *Vivencia del honor*, 73–83; Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786–1904* (Lincoln: University of Nebraska Press, 2004), 4, 31.

13. Pellicer, *Vivencia del honor*, 73–83; Santos Rodulfo Cortés, ed., *El régimen de "las gracias al sacar" en Venezuela durante el periodo hispánico* (Caracas, Venezuela: Academia Nacional de la Historia, 1978), vol. 2, 118–23.

14. William Reddy explains that the nineteenth-century French also did not analyze honor because they considered it a natural part of the human condition that was not a social construct but rather a feature woven into the natural character of racially superior white males. "Hence honor's power and its invisibility were connected. It was a part of nature, a mundane everyday reality." William M. Reddy, *The Invisible Code: Honor and Sentiment in Postrevolutionary France, 1814–1848* (Berkeley: University of California Press, 1997), 11–13.

15. Simón Bolívar, "Speech to the Congress at Angostura." Found in Simón Bolívar, *Simón Bolívar: doctrina del Libertador*, ed. Manuel Perez Vila (Caracas, Venezuela: Biblioteca Ayacucho, 1985), 106.

16. On the democratization of honor in the North Atlantic during the Age of Revolution, see Geoffrey Best, *Honour Among Men and Nations: Transformations of an Idea* (Toronto, Canada: University of Toronto Press, 1982).

17. *Siete Partidas*, Partida 7, Titulo 9, Leyes 1, 20.

18. AGN, CC, 1835, C-10. "Cataneo Josefa con Thomas Mora por injuria él."

19. 1836 *Código de procedimiento judicial*, Título I, Ley I, Artículo 6..

20. For more on the links between honor, law, and patriarchal power, see Díaz, *Female Citizens*.

21. The Ley of April 18, 1825, stipulated that an illegitimate birth could no longer bar a man from achieving rank in an academy.

22. Articles 157 and 189 of the 1821 and 1830 Constitutions, respectively.

23. Found in Ramón Azpurua and José Felix Blanco, eds., *Documentos para la vida publica del Libertador* (Caracas, Venezuela: Ediciones de la Presidencia de la República, 1977), vol. 9, #2544, 643.

24. For further examples of how honor became tied to the republican state and a liberal ethos, see Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and*

Politics in Arequipa, Peru, 1780–1854 (University Park: Pennsylvania State University Press, 1999); Victor Uribe-Uran, *"Honorable Lives": Lawyers, Family, and Politics in Colombia, 1780–1850* (Pittsburgh, PA: University of Pittsburgh Press, 2000); Pamela Voekel, *Alone Before God: The Religious Origins of Modernity in Mexico* (Durham, NC: Duke University Press, 2002).

25. Tomás Lander, "Manual del Colombiano o Explicación de la Ley Natural," 1825. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 4, 88, 92. For more on Lander's "Manual," see Elías Pino Iturrieta, *País archipiélago: Venezuela 1830–1848* (Caracas, Venezuela: Fundación Bigott, 2002), 61–69.

26. Archivo de la Academia Nacional de la Historia (AANH), Causas Civiles y Criminales (CCC), 14-5756-3, ff. 1–2b. "Claudia María González, contra el Cabo de Justicia por insultos."

27. See AGN, CC, 1822, L-06; AGN, CC, 1826, M-20.

28. AGN, CC, 1822, L-04, "Leon José contra él por injurias." See also AGN, CC, 1826, H-10, "Hernández Felipe, contra él por palabras injurias que dijo con el Regidor de la Plaza Mayor."

29. AGN, CC, 1822, T-02.

30. Ibid., f. 1b.

31. Ibid., f. 10b.

32. Archivo Arquidiocesano (AArq), Sección Judicial (SJ), Carpeta 143, año 1830.

33. Kenneth S. Greenberg, *Honor & Slavery* (Princeton, NJ: Princeton University Press, 1996), 7–8.

34. Ibid., 41.

35. 1836 *Código de procedimiento judicial*, Título I, Ley IV, Artículo 29, "y mientras no obtengan rehabilitación, los que hayan sufrido una pena infamante."

36. "Hija del poco honor." AGN, CC, 1822, T-02, f. 12.

37. AGN, CC, 1835, C-14, f. 2. "Castillo José de la Trinidad contra el por vago."

38. There was not a true bourgeois class in Spanish America during the middle period, as there was not a full industrial or capitalist society, and production still relied heavily on forced labor. Nonetheless, Venezuela had a propertied class that managed finance, controlled the means of production, and was tied to the capitalist North Atlantic through trade. Particularly after independence, this elite class cultivated ethics that dovetailed with the bourgeois system emerging in the North Atlantic. I use the term *bourgeois* to connote the social values of the bourgeoisie, such as the following notions: natural equality, natural rights, and the social contract; gaining status not through inheritable traits but rather through wealth and personal merit; and valorizing characteristics such as a work ethic, economic productivity, intellect, and dedication to law and order.

39. For reforms to reduce unemployment and poverty in Mexico across the middle period, see Silvia Marina Arrom, *Containing the Poor: The Mexico City Poor House, 1774–1871* (Durham, NC: Duke University Press, 2000). For such reforms in Spain, see Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe, Crime, Law, and Deviance Series* (New Brunswick, NJ, and London: Rutgers University Press, 1991); Isabel Correcher, *La revuelta del cuartel*

de mujeres del hospicio de San Fernando de 1786: asuntos, jurídicos y sociales (Alcalá Henares, Spain: Ayuntamiento de Alcalá de Henares, 1998).

40. *Novísima recopilacíon de las leyes de España*, Book VII, Title XXIII, Law VIII (1783). Found in Jon Cowans, ed., *Early Modern Spain: A Documentary History* (Philadelphia: University of Pennsylvania Press, 2003), 229.

41. "One might have been able to correlate job with race in the early colonial period, but not in the last decades of the eighteenth century. As *castas*, Indians, and blacks entered into unsanctioned professions, a kind of class identity may have surpassed that of caste." Cynthia Milton, "Poverty and the Politics of Colonialism: 'Poor Spaniards,' Their Petitions, and the Erosion of Privilege in Late Colonial Quito," *Hispanic American Historical Review* 84, no. 4 (2005): 616.

42. An *hidalgo* was a low-ranking Hispanic aristocrat. Throughout the Hispanic world, *hidalgos* had a reputation as proud but impoverished, refusing to work, because doing so would threaten their aristocratic status.

43. José Joaquín Fernández de Lizardi, *The Mangy Parrot: The Life and Times of Periquillo Sarmiento*, trans. David Frye (Indianapolis, IN: Hackett, 2005), 11–12.

44. AANH, CCC, 10-3803-3, 1791. "Autos seguidos por María Gregoria Céspedes."

45. AANH, CCC, 15-6019-7, 1805. "Don Carlos Ball sobre hacer constar su conducta moral y política."

46. For more, see Díaz, *Female Citizens*, 51.

47. Ibid., 146; Jeffrey Shumway, *The Case of the Ugly Suitor and Other Histories of Love, Gender, & Nation in Buenos Aires, 1776–1870* (Lincoln: University of Nebraska Press, 2005), chap. 5.

48. Antonio Leocadio Guzmán, "Ojeada al proyecto de constitución que el Libertador ha presentado a la república Bolívar," 1826, in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 5, 36.

49. 1821 Constitution, Article 178, and 1830 Constitution, Article 209.

50. Lander, "Manual," in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 79–81.

51. Ibid., 67

52. 1830 Constitution, Articles 14–16.

53. In Arequipa, Peru, we find a similar link between republican honor and work ethic and respect for authority. See Chambers, *From Subjects to Citizens*, chaps. 5–6.

54. AGN, CC, 1822, T-02, f. 10b.

55. AGN, CC, 1824, A-19, 16–16b. "Ariete y Reina, Domingo Pro. quejándose de haberle insultado él alcalde 2° de esta ciudad Don José Ángel Álamo."

56. AGN, CC, 1835, C-14, f. 3b.

57. Arrom, *Containing the Poor*, 16–17.

58. Pedro Mendinueta, *Memoria sobre el nuevo reino de Granada, 1803. A Report Concerning the Viceroyalty of New Granada by Viceroy Pedro Mendinueta*, ed. John Leiby (Lewiston, NY: Edwin Mellen Press, 2004), 94–95.

59. Found in *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración*, vol. 1:4; 13–14. For a discussion of conscription of *vagos* by late colonial officials, see Olga González-Silen, "Unexpected Opposition: Independence and the Leva of 1809 in the Province of Caracas," *The Americas* 68, no. 3 (2012): 347–75.

60. 1821 Constitution, Article 17; 1830 Constitution, Title 5, Article 16.

61. Fundación John Boulton (FJB), Archivo Histórico General (AHG), 1830, Carpeta 366, section "11a. Beneficencia."

62. See AGN, CC, 1827, J-04; 1828, C-29; 1835, C-02; 1844, R-26; 1846, P-05.

63. AGN, CC, 1822, T-02, f. 12b.

64. AArq, SJ, Carpeta 141, año 1824, f. 12. Foreigners also used the term as an insult. In his journal, the British consul Robert Ker Porter called people he held in contempt *vagabond*. Robert Ker Porter, *Sir Robert Ker Porter's Caracas Diary 1825–1842: A British Diplomat in a Newborn Nation*, ed. Walter Dupouy (Caracas, Venezuela: Editorial Arte, 1966), June 10, 1839, and October 1, 1839, entries.

65. President Juan Carreño, December 3, 1836. Found in *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865)*. (Caracas: Universidad Central de Venezuela, 1979), volume 1:4, page 149.

66. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 10, 208.

67. Ibid., vol. 10, 207.

68. For more on the role of *padres de familia* to control and instruct subordinates, see Díaz, *Female Citizens*, 133–35; Elías Pino Iturrieta, *Las ideas de los primeros venezolanos* (Caracas, Venezuela: Fondo Editorial Tropykos, 1987), 23–28.

69. For similar elite sentiments in Mexico, see Voekel, *Alone Before God*, 144.

70. Marixa Lasso, *Myths of Harmony: Race and Republicanism During the Age of Revolution* (Pittsburgh, PA: University of Pittsburgh Press, 2007), 62, footnote 90.

71. See AGN, CC, 1835, G-14; 1844, E-09. *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración* (Caracas, Venezuela: Universidad Central de Venezuela, 1979), vol. 4, 149.

72. Interestingly, a century later *vago* was still a much-used insult during the dictatorship of Juan Vicente Gomez (1908–35), as the regime labeled its enemies *vagos* and claimed that anybody who did not work was opposed to the government. Doug Yarrington, personal communication, September 2, 2010.

73. Cheryl Martin, "Popular Speech and Social Order in Northern Mexico, 1650–1830," *Comparative Studies in Society and History* 32, no. 2 (1990): 308.

74. For example, Ecuador and Arequipa, Peru. Christina Borchart de Moreno, "Words and Wounds: Gender Relations, Violence, and the State in Late Colonial and Early Republican Ecuador," *Colonial Latin American Review* 13, no. 1 (2004): 134–36; Chambers, *From Subjects to Citizens*, 177. In northern Mexico, the most common insults against men and women remained sexual in nature. Martin, "Popular Speech," 308–11.

75. Plebeian men in Peru also used proof of hard work and military service as courtroom defenses. Chambers, *From Subjects to Citizens*, 193–96.

76. Lyman Johnson, "Dangerous Words, Provocative Gestures, and Violent Acts," in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, ed. Lyman Johnson and Sonya Lipsett-Rivera (Albuquerque: University of Mexico Press, 1998), 129.

77. See Matthew Brown, *Adventuring through Spanish Colonies: Símon Bolívar, Foreign Mercenaries and the Birth of New Nations* (Liverpool, UK: Liverpool University Press, 2006), 88.

78. FJB, AHG, 1834, Carpeta 1009. See also AGN, CC, 1840, A-27, "Acosta Gregorio contra él por duelo provocado." On a false rumor about a duel that never oc-

curred, see AGN, Ministro de Interior y Justicia (I&J), Tomo 332 (1846), Expediente 51, f. 427. In Nueva Granada, government officials who were challenged to duel by British officers responded with similar repugnance and dedication to the rule of law. Ibid., 89.

79. See Pablo Piccato, "Politics and the Technology of Honor: Dueling in Turn-of-the-Century Mexico," *Journal of Social History* 33 (1999): 331–54.

Chapter 5

1. Archivo General de la Nación (AGN), Expedientes Criminales y Civiles (CC), 1847, R-05, "Rangel Josefa contra ella por homicidio," f. 1.

2. Ibid, ff. 19b–20.

3. Sarah Chambers, "Political Ideas, Political Cultures: New Works on the Middle Period in Spanish America," *Latin American Research Review* 42, no. 2 (2007): 180.

4. Benito Feijóo, "In Defense of Women," 1737, in *Early Modern Spain: A Documentary History*, ed. Jon Cowans (Philadelphia: University of Pennsylvania Press, 2003), 210–11.

5. Josefa Amar, "In Defense of the Talent of Women," 1786, in ibid., 238–41.

6. *Novísima recopilacíon de las leyes de España*. 1779 law: Book VIII, Title XXIII, Law XIV; 1783 law: Book VIII, Title I, Law X. Found in ibid., 227–32.

7. Janis Tomlinson, "Mothers, *Majas*, and Marcialidad: Faces of Enlightenment in Spain," in *Eve's Enlightenment: Women's Experience in Spain and Spanish America, 1726–1839*, ed. Catherine Jaffe and Elizabeth Franklin Lewis (Baton Rouge: Louisiana State University, 2009), 218–19.

8. Mónica Bolufer Peruga, "Women of Letters in Eighteenth-Century Spain: Between Tradition and Modernity," in *Eve's Enlightenment: Women's Experience in Spain and Spanish America, 1726–1839*, 22; Theresa Ann Smith, *The Emerging Female Citizen: Gender and Enlightenment in Spain*. (Los Angeles: University of California Press, 2006), 114.

9. On the scarcity of female authors in the Americas, see Asunción Lavrin, "In Search of the Colonial Woman in Mexico: the Seventeenth and Eighteenth Centuries," in *Latin American Women: Historical Perspectives*, ed. Asunción Lavrin. (Westport, CT: Greenwood Press, 1978), 24; Nina Scott, ed. *Madres del verbo / Mothers of the Word: Early Spanish American Women Writers, A Bilingual Anthology* (Albuquerque: University of New Mexico Press, 1999), xiii–xiv.

10. Johanna Mendelson, "The Feminine Press: The View of Women in the Colonial Journals of Spanish America, 1790–1810," in *Latin American Women: Historical Perspectives*, ed. Asunción Lavrin (Westport, CT: Greenwood Press, 1978).

11. Silvia Mallo, "Justicia, divorcio, alimentos y malos tratos en el Río de la Plata, 1766–1857," *Investigaciones y enayos* no. 42 (1992): 374–75.

12. Susan Migden Socolow, *The Women of Colonial Latin America, New Approaches to the Americas* (Cambridge: Cambridge University Press, 2000), 166–70; Jeffrey Shumway, *The Case of the Ugly Suitor and Other Histories of Love, Gender, & Nation in Buenos Aires, 1776–1870* (Lincoln: University of Nebraska Press, 2005), 124.

13. Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821* (Stanford, CA: Stanford University Press, 1988), chap. 13; Shumway, *Ugly Suitor*, 3.

14. *Siete Partidas*, Partida 4, Introduction.

15. Marianela Ponce, *De la soltería a la viudez: La condición jurídica de la mujer en la provincia de Venezuela en razón de su estado civil* (Caracas, Venezuela: Academia Nacional de la Historia, 1999), 22; Steven Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: University of North Carolina Press, 1995), 80.

16. *Siete Partidas*, Partida 7, Titulo 33, Ley 6.

17. *Siete Partidas*, Partida 4, Titulo 17.

18. Inés Quintero, ed., *Las mujeres de Venezuela: historia minima* (Caracas, Venezuela: Funtrapet, 2003), 11.

19. Pablo Ortemberg, "Apuntes sobre el lugar de la mujer en el ritual político limeño: de actrices durante el virreinato a actoras de la independencia," *Estudios interdisciplinarios de América Latina y el Caribe (E.I.A.L.)* 22, no. 1 (2011): 105–28.

20. Evelyn Cherpak, "The Participation of Women in the Independence Movement in Gran Colombia, 1780–1810," in *Latin American Women: Historical Perspectives*, ed. Asunción Lavrin (Westport, CT: Greenwood Press, 1978), 220. For several firsthand accounts of this participation, see Inés Quintero, *Mirar tras la ventana: Testimonios de viajeros y legionarios sobre mujeres del siglo XIX* (Caracas, Venezuela: Alter-Libris Ediciones, 1998), 119–43.

21. Cherpak, "Participation of Women," 221. See also Aline Helg, *Liberty & Equality in Caribbean Colombia, 1770–1835* (Chapel Hill: University of North Carolina Press, 2004), 150. European male mercenaries who fought in Gran Colombia's independence wars brought with them at least 130 women, but whether these women had any political motivations for participating in the struggle is also unclear. Matthew Brown, "Adventurers, Foreign Women and Masculinity in the Colombian Wars of Independence," *Feminist Review* 79 (2005): 37–38.

22. Found in Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786–1904* (Lincoln: University of Nebraska Press, 2004), 168.

23. Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780–1854* (University Park: Pennsylvania State University Press, 1999), 203; Díaz, *Female Citizens*, 111–16; Rebecca Earle, "Rape and the Anxious Republic: Revolutionary Colombia, 1810–1830," in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxine Molyneux (Durham, NC: Duke University Press, 2000), 138–40; Julie Skurski, "The Ambiguities of Authenticity in Latin America: Doña Bárbara and the Construction of National Identity," *Poetics Today* 15, no. 4 (1994): 377. On the use of women as passive symbols in the nineteenth-century US republic, see Mary Ryan, "Gender and Public Access: Women's Politics in Nineteenth-Century America," in *Habermas and the Public Sphere*, ed. Craig Calhoun, 259–88 (Cambridge, MA: MIT Press, 1996).

24. Skurski, "Ambiguities of Authenticity," 377.

25. Inés Quintero, "De la política contingente a la política militante," in *Las Mujeres de Venezuela: Historia Minima*, ed. Inés Quintero (Caracas, Venezuela: Funtrapet, 2003), 16–17.

26. Cherpak, "Participation of Women," 228. For a description of the difficulties facing women from elite families after the war, see Inés Quintero, *La criolla principal: María Antonia Bolívar, hermana del Libertado* (Caracas, Venezuela: Fundación Bigott, 2003), 58–69.

27. William M. Reddy, *The Invisible Code: Honor and Sentiment in Postrevolutionary France, 1814–1848* (Berkeley: University of California Press, 1997), 11–13.

28. Anna Aguado, "Liberalismos y ciudanía femenina en la formación de la sociedad burguesa," in *La trascendencia del liberalismo doceañista en España y en América*, ed. Manuel Chust and Ivana Frasquet (Valencia, Spain: Generalitat Valenciana, 2004), 212–14.

29. Carole Pateman, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988), 3–11.

30. Stern, *The Secret History of Gender*, 80.

31. Pamela Voekel, *Alone Before God: The Religious Origins of Modernity in Mexico* (Durham, NC: Duke University Press, 2002), 144–45.

32. Letter to Vice President Francisco de Santander, February 23, 1825. Found in Simón Bolívar, *Selected Writings of Bolivar,* vol. 2, trans. Lewis Bertrand, ed. Harold Bierck (New York City: The Colonial Press, Inc., 1951), 475.

33. Díaz, *Female Citizens*, 115; Elías Pino Iturrieta, *Contra lujuria, castidad: Historias de pecado en en siglo XIII venezolano* (Caracas, Venezuela: Alfadil Ediciones, 1992), 28–31.

34. M. C. Mirow, *Latin American Law: A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004), 102–4. Public law concerns relations between the state and individuals, whereas private law concerns relations between individuals or groups.

35. Even if legislators had altered the domestic law codes, very likely women's status would not have changed notably. The Napoleonic Code, which was so influential in Spanish America, reversed any progressive changes for women made during the French Revolution and was very reactionary with regard to gender. Irene Castells and Elena Fernández García, "Las mujeres y el primer constitucionalism español (1810–1823)," *Historia Constitucional (revista electrónica)* 9 (2008), accessed http://www.historiaconstitucional.com/index.php/historiaconstitucional," paragraph 1.

36. Carmen Diana Deere and Magdalena León, "Liberalism and Married Women's Property Rights in Nineteenth-Century Latin America," *Hispanic American Historical Review* 85, no. 4 (2005): 640–43.

37. See J. M. Siso Martínez and German Carrera Damas, ed., *Cuerpo de leyes de la república de Colombia, 1821–1827* (Caracas, Venezuela: Universidad Central de Venezuela, 1961).

38. In 1826, Congress reduced the age of consent for marriage to twenty-one for men and eighteen for women. See ibid., 424–26.

39. Díaz, *Female Citizens*, 133, 189–96.

40. In Venezuela, a wife could also initiate a court case if the husband were absent or insane. Other categories of people that could not initiate a court case were minors, slaves, and the "mentally simple." 1836 *Código de procedimiento judicial*, Titulo I, Ley I, Artículos 6–8. The degree to which officials upheld these standards is unclear.

41. See Deere and León, "Liberalism and Married Women," 648–52; Díaz, *Female Citizens*, 74–75; Christine Hünefeldt, *Liberalism in the Bedroom: Quarreling*

Spouses in Nineteenth-Century Lima (University Park: Pennsylvania State University Press, 2000), 275–76.

42. Elizabeth Dore, "One Step Forward, Two Steps Back: Gender and the State in the Long Nineteenth Century," in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxine Molyneux (Durham, NC: Duke University Press, 2000), 10–11.

43. Silvia Marina Arrom, *The Women of Mexico City, 1790–1857* (Stanford, CA: Stanford University Press, 1985), 201–3.

44. Chad Black, *The Limits of Gender Domination: Women, the Law, and Political Crisis in Quito, 1765–1830* (Albuquerque: University of New Mexico Press, 2010), 228.

45. Díaz, *Female Citizens*, 142–49. Legal reforms also eroded women's rights in the frontier region of Sonora, Mexico. Laura Shelton, *For Tranquility and Order: Family and Community on Mexico's Northern Frontier, 1800–1850* (Tucson: University of Arizona Press, 2010), 59–62.

46. Dore, "One Step," 15–23.

47. Ibid.

48. Arrom, *Women of Mexico City*, 65–66; Richard Boyer, *Lives of the Bigamists* (Albuquerque: University of New Mexico Press, 2001), 61, 101.

49. *Siete Partidas*, Partida 4, Título 14, Ley 2; Partida 7, Título 17. On adultery and concubinage, see also Ponce, *De la soltería a la viudez*, 42–45.

50. These standards remained in place in Venezuela until 1982. Eva Moreno, *La ruina de las familias, del estado y de la religión: divorcio y conflictos maritales en Venezuela, 1700–1829* (Caracas, Venezuela: Fundación Central Nacional de Historia, 2009), 70–72.

51. Ibid., 46–50.

52. Díaz, *Female Citizens*, 142–49.

53. Ibid., 138–39.

54. AGN, CC, 1847, R-05, ff. 4b–5.

55. AGN, CC, 1823, A-03, ff. 25–26b. "Acal Antonia contra su esposo José Feliciano Acevedo por cobro de alimentos."

56. Found in Quintero, *La criolla principal*, 96.

57. Tomás Lander, "Bello sexo o matrimonio," *Fragmentos de un Relámpago inédito*, Caracas, February 20, 1844. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 4, 615–17.

58. Archivo Histórico de Coro (AHC), Causas Criminales (CC), #207 (1833), ff. 10–11. "Contra Laura Müller por injuria de palabra a Devora Levy Maduro."

59. AGN, CC, 1835, G-14, ff. 2b–4b. "Gonzáles Joaquín contra Candelario Vetancar por injurias."

60. Ibid., ff. 19–21.

61. Arrom, *Women of Mexico City*, 257; Díaz, *Female Citizens*, chaps. 5 and 6; Sarah Chambers, "To the Company of a Man Like My Husband, No Law Can Compel Me: The Limits of Sanctions Against Wife Beating in Arequipa, Peru, 1780–1850," *Journal of Women's History* 11, no. 1 (1999); Shelton, *For Tranquility*, 63–64; Stern, *The Secret History of Gender*, 82–85.

62. AGN, CC, 1823, A-02, f. 7b. "Alton Guillermo contra él por haber aporreado a su mujer."

63. AGN, CC, 1846, M-40. "Moreno Josefa contra su marido por alimentos."

64. *Cartas sobre la educación del bello sexo* (Caracas, Venezuela: Imprenta de Tomás Antero, 1833), 3–4, 78–79. Found in Johana Ramos, "El ideal femenino en Venezuela (1830–1856)," *Boletín de la Academia Nacional de la Historia* 89, no. 356 (2006): 167–68.

65. Quintero, *Mirar*, 39.

66. On the seclusion of women in Brazil, see Muriel Nazzari, "An Urgent Need to Conceal," in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, ed. Lyman Johnson and Sonya Lipsett-Rivera (Albuquerque: University of New Mexico Press, 1998).

67. This observation came from John Hankshaw, a British merchant, and Miguel María Lisboa, the Consul General from Brazil. Found in Quintero, *Mirar*, 39, 75.

68. 1831 report of the Secretary of the Interior and justice before Congress. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 5, 97.

69. Aureo Ypez Castillo, *La educación primaria en Caracas en la época de Bolívar* (Caracas, Venezuela: Academia Nacional de la Historia, 1985); Díaz, *Female Citizens*, 141.

70. Ramos, "El ideal femenino," 160.

71. Quintero, *Mirar*, 45–46.

72. John Hankshaw, *Reminiscences of South America from Two and a Half Years' Residence in Venezuela* (London: Jackson and Walford, 1838), 210–11.

73. June Hahner, ed., *Women Through Women's Eyes: Latin American Women in Nineteenth-Century Travel Accounts* (Wilmington, DE: Scholarly Resources, 1998), 30–31, 59.

74. Ramos, "El ideal femenino," 160.

75. Feliciano Montenegro y Colón, *Lecciones de buena crianza, moral i mundo, o educación popular*, (Caracas, Venezuela: Imprenta de Francisco de Paula Nuñez, 1841), 71. Found in ibid., 171.

76. Francisco Mariano Nifo, *La última depedida de la Mariscala a sus Hijos* (Caracas, Venezuela: Imprenta de Tomás Antero, 1835), 211. Found in Ramos, "El ideal femenino," 170.

77. Francisco de Castro, p. 164 (no further bibliographic information available.) Found in Ramos, "El ideal femenino," 171.

78. Montenegro y Colón, *Lecciones de buena crianza*, 71. Found in Ramos, "El ideal femenino," 168.

79. Nifo, *La última depedida*, 102. Found in Ramos, "El ideal femenino."

80. Montenegro y Colón, *Lecciones de buena crianza*, 85–86. Found in Ramos, "El ideal femenino," 171.

81. Manuel Antonio Carreño y Manuel Urbaneja, *Catecismo razonado, histórico y dogmático, redactado según los catecismos de Aymé de Fleury, y de la Diócesis de Paris*, Caracas, 1849, 99. Found in Ramos, "El ideal femenino," 172.

82. "De las mujeres en la familia," *Crónica Eclesiástica de Venezuela*, no. 30, Caracas, October 3, 1855. Found in Ramos, "El ideal femenino," 172–73.

83. *Cartas sobre la educación del bello sexo*, 161, 162. Found in Ramos, "El ideal femenino."

84. Montenegro y Colón, *Lecciones de buena crianza*, 194. Found in Ramos, "El ideal femenino," 174.

85. Montenegro y Colón, *Lecciones de buena crianza*, 85. Found in ibid., 176.

86. Nifo, *La última depedida*, 102. Found in Ramos, "El ideal femenino."

87. Elías Pino Iturrieta, "¿Hasta dónde llegaremos en esto de la belleza?: Agraciadas y desgraciadas en Venezuela republicana." *Boletín de la Academia Nacional de la Historia* 81, no. 324 (1998): 246–62.

88. For women, insults against their sexual behavior were typical throughout Latin America. See Chambers, *From Subjects to Citizens*, 177–78; Shelton, *For Tranquility*, 60.

89. AGN, CC, 1835, G-14.

90. AHC, CC, #459 (1838). "Injuria de palabra, Josefa Garcia en contra de Marcelina."

91. AGN, CC, 1844, P-05. "Antonia Péres con Domingo Marcial por injurias." We find a similar phenomenon in Peru. See Chambers, "To the Company."

92. AGN, CC, 1844, B-03. "Blanco Concepción con Felis Sarcedo por injurias."

93. AGN, CC, 1846, R-15, "Rosa de la Rosa con Maria Rita Quintana por injurias de palabras," and 1846, R-16, "Rosa de la Rosa contra Juan Ortega por injurias."

94. Mallo, "Justicia, divorcio, alimentos," 373. The *Siete Partidas* listed two reasons for divorce: adultery and religion (one spouse entered a religious order or converted to Islam or Judaism). Partida 4, Título 10, Ley 2.

95. Arrom, *Women of Mexico City*, 228; Hünefeldt, *Liberalism in the Bedroom*, 287; Mallo, "Justicia, divorcio, alimentos," 383–85; Moreno, *La ruina*, 65–66. For more on Venezuelan divorce cases, see Díaz, *Female Citizens*, 150–58.

96. *Siete Partidas*, Partida 4, Titulo 19.

97. Husbands resisted paying alimony in much the same way in Rio de la Plata. Mallo, "Justicia, divorcio, alimentos," 387.

98. Díaz, *Female Citizens*, 144–45.

99. AGN, CC, 1837, B-01, ff. 1–2. "Blanco Ma Antonia con su marido José López sobre alimentos."

100. AGN, CC, 1844, P-04, f. 30. "Parra Merced, contra su marido por cobro de alimentos."

101. Ibid., f. 34b.

102. Moreno, *La ruina*, 35.

103. Mallo, "Justicia, divorcio, alimentos," 389–93.

104. Pino Iturrieta, *Contra lujuria*, 125–26.

105. Díaz, *Female Citizens*, 73.

106. On the role of neighbors and the state in providing surveillance of and control over single women's moral conduct in Spain and Peru, see María José de la Pascua Sánchez, "Women Alone in Enlightenment Spain," in *Eve's Enlightenment: Women's Experience in Spain and Spanish America, 1726–1839*, ed. Catherine Jaffe and Elizabeth Franklin Lewis (Baton Rouge: Louisiana State University, 2009), 133; Chambers, *From Subjects to Citizens*, 214.

107. To vote, a man had to "be married or older than 21 years." 1830 Constitution, Article 14.

108. In contrast, under Peru's constitutions, a man could have his citizenship sus-

pended if he abandoned his wife or was at fault in an ecclesiastical separation. Chambers, *From Subjects to Citizens*, 209.

109. AHC, CC, #094 (1828).

110. AHC, CC, #692 (1841).

111. See AHC, CC, #124 (1829); AHC, CC, #335 (1836)

112. On colonial bigamists, see Boyer, *Lives of the Bigamists*.

113. See Archivo de la Academia Nacional de la Historia (AANH), Causas Civiles y Criminales (CCC), 1800, 13-5060-1; AGN, CC, 1822, C-15; 1822, C-18; 1826, M-07; 1826, L-14; 1835, C-01; 1837, A-05; 1844, B-02; 1844, E-17; 1849, P-08. For an instance of a woman represented by a male lawyer, see AGN, CC, 1844, A-10. "Carmen Ansola con José Ignacio Miranda por cobro de pesos."

114. Arrom, *Women of Mexico City*, 93.

115. AGN, CC, 1837, A-05, f. 5. "Ansola Merced contra José Ma Nieves por cobro de pesos."

116. Arrom, *Women of Mexico City*, 258–61.

117. Gertrude Yeager, ed., *Confronting Change, Challenging Tradition: Women in Latin American History*, vol. 7, *Jaquar Books on Latin America* (Wilmington, DE: Scholarly Resources, 1994), xiv.

118. Lavrin, "Colonial Women," 24. See also Scott, ed., *Madres del verbo*, xiii–xiv.

119. Sarah Chambers, "Letters and Salons: Women Reading and Writing the Nation," in *Beyond Imagined Communities: Reading and Writing the Nation in Nineteenth-Century Latin America*, ed. Sara Castro-Klarén and John Charles Chasteen (Baltimore: Johns Hopkins University Press, 2003), 82–83.

120. On Gorritti, see Bonnie Frederick, *Wily Modesty: Argentine Women Writers, 1860–1910*. (Tempe: Arizona State University, 1998), 26–27; Juana Manuela Gorriti, *Dreams and Realities: Selected Fiction of Juana Manuela Gorriti*, trans. Sergio Waisman (New York: Oxford University Press, 2003). On Avellaneda, see Scott, ed., *Madres del verbo*, 148–73; Doris Meyer, ed., *Rereading the Spanish American Essay: Translations of 19th and 20th Century Women's Essays*, The Texas Pan American Series (Austin: University of Texas Press, 1995), 25–36.

121. Earle, "Rape," 130–32; Shumway, *Ugly Suitor*, 122.

122. Helg, *Liberty & Equality*, 150–52.

123. Chambers, "Letters and Salons," 62.

124. Arrom, *Women of Mexico City*, chap. 1; Chambers, *From Subjects to Citizens*, 203; Earle, "Rape," 141–42.

125. Christina Borchart de Moreno, "Words and Wounds: Gender Relations, Violence, and the State in Late Colonial and Early Republican Ecuador," *Colonial Latin American Review* 13, no. 1 (2004): 129–30. In 1845, Mexico also passed legislation to reduce wife abuse, though it applied only to a husband who beat his wife "frequently without motive, scandalizing the community with his conduct." Arrom, *Women of Mexico City*, 237.

126. Díaz, *Female Citizens*, 121–25.

127. Ibid., 137–39, 150–69.

128. Quintero, *La criolla principal*, 92–100.

129. Whether a woman was conservative or liberal did not predict whether she wanted to enter public discourse. During Spain's struggle against France in 1808–14, women across the political spectrum, from conservative royalist to liberal, entered into

the political debate and the war effort. See Marieta Cantos Casenave, "Entre la tertulia y la imprenta, la palabra encendida de una patriota andaluza, Frasquita Larrea (1775–1838)," in *Heroínas y patriotas: Mujeres de 1808*, ed. Irene Castells, Gloria Espigado, and María Cruz Romeo (Madrid, Spain: Ediciones Cátedra, 2009); Castells and Fernández García, "Las mujeres," 21.

130. Tomás Lander, "Bello sexo o matrimonio," *Fragmentos de un Relámpago inédito*, Caracas, February 20, 1844. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 615–17.

131. Found in Quintero, "De la política," 18.

132. Díaz, *Female Citizens*, chap. 6.

133. Ibid., 151–60.

134. Chambers, "To the Company"; Arrom, *Women of Mexico City*, 206–7; Shelton, *For Tranquility*, 67.

135. Arrom, *Women of Mexico City*, 257–58; Ana Lidia García Peña, "Madres solteras, pobres y abandonadas: Ciudad de México, Siglo XIX," *Historia Mexicana* 53, no. 3 (2004): 676–78.

136. Hünefeldt, *Liberalism in the Bedroom*, 258–61.

137. Díaz, *Female Citizens*, 96–97; Ponce, *De la soltería a la viudez*, 15. For a similar view from colonial Mexico, see Stern, *The Secret History of Gender*, 87.

138. Díaz, *Female Citizens*, 161.

139. Arrom, *Women of Mexico City*, 249–52; Hünefeldt, *Liberalism in the Bedroom*, 258–62.

140. AANH, CCC, 1801, 14-5645-2, f. 1. "María de Jesús Ponte con su marido Pedro Nolasco Bustamante, sobre asistencia y alimento."

141. AGN, CC, 1823, A-03, ff. 2–2b. "Acal Antonia contra su esposo José Feliciano Acevedo por cobro de alimentos."

142. AGN, CC, 1827, F-02, ff. 1–1b. "Fernández Juana María con su marido por cobro de alimentos."

143. In this context, the term could be translated as "wards of the court," and usually applied to orphans, widows, and other weak and needy people. Cynthia Milton, "Poverty and the Politics of Colonialism: 'Poor Spaniards,' Their Petitions, and the Erosion of Privilege in Late Colonial Quito," *Hispanic American Historical Review* 84, no. 4 (2005): 596.

144. AGN, CC, 1823, A-03, ff. 25–26, 40–40b.

145. AGN, CC, 1837, B01, ff. 1–2. "Blanco Ma Antonia con su marido José López sobre alimentos."

146. AGN, CC, 1843, G-10, ff. 1–1b. "Guerra María de Jesús contra su marido José León Esteves por alimentos."

147. Ibid., f. 3.

148. AGN, CC, 1844, P-04, f. 2.

149. AGN, CC, 1846, M-40, ff. 7–7b.

150. AGN, CC,1844, M-5, f. 4. "Mohedano Narcisa contra Vicente Paes y Castillo por conatos de homicidio."

151. García Peña, "Madres solteras."

152. Chambers, "Letters and Salons," 82.

Chapter 6

1. José Gaos, *Historia de nuestra idea del mund* (Mexico City: El Colegio de México, Fondo de Cultura Económica, 1973), 244.

2. Found in Simon Alberto Consalvi, *Santos Michelena, 1797/1997: Notas para una visión del estadista liberal* (Caracas, Venezuela: Academia Nacional de la Historia, 1997), 28–29.

3. Simón Bolívar, "Speech to the Congress at Angostura." Found in Simón Bolívar, *Simón Bolívar: doctrina del Libertador*, ed. Manuel Perez Vila (Caracas, Venezuela: Biblioteca Ayacucho, 1985), 126.

4. By 1845, the government had paid off 95 percent of internal debt. Manuel Perez Vila, "El gobierno deliberativo. Hacendados, comerciantes y artesanos frente a la crisis, 1830–1848," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas, Venezuela: Fundación John Boulton, 1976), 59–60.

5. Found in Consalvi, *Santos Michelena*, 28–29.

6. Archivo General de la Nación (AGN), Ministro de Interior y Justicia (I&J), 1834, Tomo 91, Expediente 43.

7. 1830 Constitution, Title 5, Article 16. In 1835, Secretary of the Interior Antonio Leocadio Guzmán, defined a "failed debtor" as somebody who sold all of his possessions but still remained in debt, unless all of his creditors voluntarily forgave the outstanding balance. AGN, I&J, 1834, Tomo 87, Expediente 22.

8. Miguel Izard, "Periodo de la independencia y la Gran Colombia, 1810–1830," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas, Venezuela: Fundación John Boulton, 1976), 64–65.

9. Tomás Enrique Carrillo Batalla, *Cuentas nacionales de Venezuela, 1831–1873* (Caracas, Venezuela: Banco Central de Venezuela, 2001), 310–34.

10. Demand for coffee in the North Atlantic rose, but prices dropped because global production (in places such as Venezuela, Brazil, and Ceylon [Sri Lanka]) grew faster than demand. John V. Lombardi and James A. Hanson, "The First Venezuelan Coffee Cycle, 1830–1855," *Agricultural History* 44 (1970): 355–69.

11. *La Bandera Nacional*, no. 50 (Caracas), July 10, 1838. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 10, 36.

12. *El Venezolano*, no. 628 (Caracas), January 18, 1845. Found in ibid., vol. 4, 681.

13. This section, which summarizes the political narrative of roughly 1836–47, relies largely on Catalina Banko, *Poder político y conflictos sociales en la república oligárquica, 1830–1848* (Caracas, Venezuela: Fondo Editorial Lola de Fuenmayor, 1986); Catalina Banko, *Las luchas federalistas en Venezuela* (Caracas, Venezuela: Monte Avila Editores Latinoamericana, CA, 1996); John V. Lombardi, *Venezuela: The Search for Order, the Dream of Progress* (Oxford: Oxford University Press, 1982); Robert Paul Matthews, *Violencia rural en Venezuela, 1840–1858: Antecedentes socioeconómicos de la guerra federal* (Caracas, Venezuela: Monte Avila Editores, 1977); Guillermo Morón, *A History of Venezuela*, trans. John Street (New York: Roy Publishers, 1963); Perez Vila, "El gobierno deliberativo"; Elías Pino Iturrieta, *Fueros, civilización y ciudadanía* (Caracas, Venezuela: Universidad Católica Andrés Bello, 2000);

Elías Pino Iturrieta, *País archipiélago: Venezuela 1830–1848* (Caracas, Venezuela: Fundación Bigott, 2002); Fundación Polar, *Diccionario de historia de Venezuela*, CD-ROM (Caracas, Venezuela: Fundación Polar, 2000), various articles.

14. In 1838, Tomás Lander wrote out the main positions of the opposition, which later became the main planks of the Liberal Party. *La Bandera Nacional*, no. 50 (Caracas), July 10, 1838. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 10, 35–40.

15. Arlene Urdaneta Quintero, *Tiempos de federación en el Zulia: Construir la nación en Venezuela* (Caracas, Venezuela: Academia Nacional de la Historia, 2008), 61–63.

16. Elina Lovera Reyes, *De leales monárquicos a ciudadanos republicanos: Coro 1810–1858* (Caracas, Venezuela: Academia Nacional de la Historia, 2007), 155–58.

17. Debates over the LLC and economic policies did not transpire in the courts. Though there were numerous cases of debt collection, they had no ideological content. The litigants discussed little other than contract clauses, payment history, and the debtor's solvency. Occasionally a creditor complained that the debtor was irresponsible and delinquent, but the litigants never commented on the validity of the debt laws.

18. See Elke Nieschulz de Stockhausen, *Periodismo y política en Venezuela: cincuenta años de historia* (Caracas, Venezuela: Universidad Católica Andrés Bello, 1981); Rebecca Earle, "The Role of Print in Spanish American Wars of Independence," in *The Political Power of the Word: Press and Oratory in Nineteenth-Century Latin America*, ed. Iván Jaksíc, 9–33 (London: Institute of Latin American Studies, 2002).

19. Juan Vicente González, *El Venezolano*, no. 224, February 10, 1844. Found in Pedro Grases, *Libertad de imprenta: Selección (1820–1864)* (Caracas, Venezuela: Publicaciones de la Presidencia de la República, 1966), 89.

20. Pilar González Bernaldo de Quirós, "Literatura injuriosa y opinión pública en Santiago de Chile durante la primera mitad del siglo XIX," *Estudios Públicos* 76 (1999): 233–62; Grases, *Libertad de imprenta*; Iván Jaksíc, ed., *Political Power of the Word: Press and Oratory in Nineteenth-Century Latin America* (London: Institute of Latin American Studies, 2002), 1; David Parker, "'Gentlemanly Responsibility,' and 'Insults of a Woman': Dueling and the Unwritten Rules of Public Life in Uruguay, 1860–1920," in *Gender, Sexuality, and Power in Latin America Since Independence*, ed. William French and Katherine Elaine Bliss (New York: Rowman & Littlefield, 2007), 113–14.

21. *El Republicano*, no. 1, May 22, 1844, Barcelona.

22. The average numbers of newspapers in circulation per year, broken down by decade, are as follows: 1820s, six; 1830s, ten; 1840s, sixteen; 1850s, twelve. The peak year of 1844 saw twenty new periodicals founded and a total of twenty-eight in circulation. The numbers here exclude the "electoral press," which were papers that existed solely to support a political candidate in an election and then would disappear after the election. Nieschulz de Stockhausen, *Periodismo y política*, 34–35.

23. AGN, CC, 1839, E-10. "El Procurador municipal acusando el impreso publicado en esta ciudad titulado 'La Verdad' número 7." For other cases of seditious libel, see AGN, CC, 1846, E-1, "El Sindico procurador municipal acusando varios artículos del 'Diario de Caracas' "; 1847, E-3, "El fiscal del Distrito acusando como sedicioso el periódico titulado 'La Prensa no 60.' "

24. Elías Pino Iturrieta, *Las ideas de los primeros venezolanos* (Caracas, Venezuela: Fondo Editorial Tropykos, 1987), 77–79.

25. *El Venezolano*, May 10, 1842, 2; *El Liberal*, May 10, 1842, 2–3.

26. Karen Racine, " 'This England and This Now': British Cultural and Intellectual Influence in the Spanish American Independence Era," *Hispanic American Historical Review* 90, no. 3 (2010): 423–54. One of the most prominent publishers in Caracas during the first decades after independence was George Corser, a Briton.

27. Tomás Lander, *Fragmentos de un relámpago inédito*, Caracas, February 20, 1844. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 608.

28. Ibid., 608–10.

29. Pino Iturrieta, *País archipiélago*, 16.

30. Fermín Toro, *Reflexiones sobre la ley de 10 de abril de 1834* (Caracas, Venezuela: Imprenta de Valentín Espinal, 1845). Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 1, 208.

31. Fermín Toro, *El Venezolano*, no. 268, Caracas, January 18, 1845. Found in ibid., vol. 4, 680–81.

32. From Pino Iturrieta, *Fueros*, 64.

33. Ibid.

34. *El Liberal*, Caracas, July 19 and July 22, 1842, January 31 and July 4, 1846. Found in Perez Vila, "El gobierno deliberativo," 80.

35. *El Manzanares*, no. 46, January 30, 1844, Cumaná. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 7, 80–84.

36. *El Diario de la Tarde*, no. 6, June 6, 1846, Caracas.

37. *La Tormenta*, July 31, 1844, Caracas, 1–2.

38. Ibid., 2–4.

39. *El Venezolano*, May 10, 1842, 2.

40. *El Agricultor*, May 8, 1844, Caracas. Found in Banko, *Poder político*, 7.

41. Found in José Antonio Páez, *Autobiografía del General José Antonio Paéz* (Lima, Peru: Ediciones Antártida, 1960), vol. 2, 314.

42. *El Imprudente*, no. 1, April 7, 1844, ff. 1b–2b, Barquisimeto. Found in AGN, AB, Tomo 11 (1846), Expediente 4, ff. 154–81. "Autos seguidos por el Procurador Municipal Fermín Díaz Casado."

43. *El Repúblicano*, no. 4, June 12, 1844.

44. Ibid.

45. Tomás Lander, *El Relámpago*, no. 10, December 29, 1843, Caracas. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 4, 605–6.

46. Ibid.

47. Fermín Toro, *Reflexiones*, found in ibid., vol. 1, 107–225.

48. Toro, 115, 121.

49. Toro's concerns here were reminiscent of those of Lucas Alamán, a renowned Mexican Conservative, who in the 1840s–1850s also lamented the rise of men motivated only by money, egotism, and private interests. See Alamán's "The History of Mexico," written 1849–1852, in *Nineteenth-Century Nation Building and the Latin American Intellectual Tradition*, ed. Janet Burke and Ted Humphrey (Indianapolis, IN: Hackett, 2007), 175–98. However, Alamán waxed nostalgically about the colonial past and Spanish administration, advocated a highly centralized regime reminiscent of the

monarchy, and promoted the return of Church power. Toro, in contrast, saw independence as a boon and, had he been Mexican, his economic, social, and political views would have placed him squarely in the Liberal Party.

50. Toro, *Reflexiones*, found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 1, 176–77.

51. Ibid., 178–81. For more on debates in the press regarding the LLC, see Pino Iturrieta, *Las ideas*, 71–124; Pino Iturrieta, *País archipiélago*, 99–101.

52. For example, see Peter Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750–1850* (Durham, NC: Duke University Press, 2005), 222; Marixa Lasso, *Myths of Harmony: Race and Republicanism During the Age of Revolution* (Pittsburgh, PA: University of Pittsburgh Press, 2007), chap. 6.

53. Pino Iturrieta, *Las ideas*, 128.

54. Pino Iturrieta, *País archipiélago*, 16.

55. Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (Cambridge, MA: MIT Press, 1998), 30–38.

56. González Bernaldo de Quirós, "Literatura injuriosa," 234–41.

57. Reuben Zahler, "Honor, Corruption, and Legitimacy: Liberal Projects in the Early Venezuelan Republic, 1821–50," PhD diss., University of Chicago, 2005, chap. 6.

58. "The difference between having and not having honor was the difference between having and not having power. The man of honor was the man who had the power to prevent his being unmasked. Anyone could unmask the dishonored." Kenneth S. Greenberg, *Honor & Slavery* (Princeton, NJ: Princeton University Press, 1996), 24.

59. Letter from the *Ayuntamiento* to the king, November 28, 1796; letter from the *Cabildo* de Caracas to the President, Governor, and Captain General of the Province, November 21, 1796. Found in Luis Felipe Pellicer, *La vivencia del honor en la provincia de Venezuela, 1774–1809* (Caracas, Venezuela: Fundación Polar, 1996), 28–30.

60. The text of the letters exchanged between the leader of Caracas's military force and the city leaders of Coro is found in Inés Quintero, *El marquesado del Toro, 1732–1851: nobleza y sociedad en la Provincia de Venezuela* (Caracas, Venezuela: Academia Nacional de la Historia, 2009), 202–3.

61. *El Imprudente*, no. 5, August 7, 1844, ff. 1a–b.

62. As we understand better now, nineteenth-century booms in a single export commodity did not lead to general prosperity or long-term economic growth because they caused negative effects on the rest of the domestic economy. Richard Salvucci, "'Dutch Disease' and other (Dis)Continuities in Latin American History, 1780–1850," in *State and Society in Spanish America During the Age of Revolution*, ed. Victor Uribe-Uran (Wilmington, DE: Scholarly Resources, 2002), 31–58.

63. William M. Reddy, *The Rise of Market Culture: The Textile Trade in French Society, 1750–1900* (New York: Cambridge University Press, 1984).

Chapter 7

1. Ezequiel Zamora, *Ezequiel Zamora: General del pueblo soberano*, ed. Damarys Cordero Negrín (Caracas, Venezuela: Ediciones de la Presidencia de República, 2002), 52.

2. We see similar political alignments between rural poor and Liberal parties at this time in Colombia and Mexico. See James Sanders, *Contentious Republicans: Popular Politics, Race, and Class in Nineteenth-Century Colombia* (Durham, NC: Duke University Press, 2004); Peter Guardino, *Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800–1857* (Stanford, CA: Stanford University Press, 1996).

3. Federico Brito Figueroa, *Tiempo de Ezequiel Zamora* (Caracas, Venezuela: Centauro, 1974); John V. Lombardi, *Venezuela: The Search for Order, the Dream of Progress* (Oxford: Oxford University Press, 1982); Robert Paul Matthews, *Violencia rural en Venezuela, 1840–1858: Antecedentes socioeconómicos de la guerra federal* (Caracas, Venezuela: Monte Avila Editores, 1977). Matthews is an exception in that he provides several examples of plebeian voices.

4. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, ed. El Congreso de la República (Caracas, Venezuela: Ediciones conmemorativas del sesquicentenario de la independencia, 1983), vol. 6, 37.

5. *El Liberal*, no. 615, September 12, 1846. As discussed in chapter 6, Venezuela's Conservative Party was more ideologically liberal than the Liberal Party and, confusingly, its main paper was *El Liberal*.

6. José Antonio Páez, *Autobiografía del General José Antonio Paéz* (Lima, Peru: Ediciones Antártida, 1960), vol. 2, 334.

7. *El Liberal*, no. 615, September 12, 1846. "El Guzmanciso en la Práctica."

8. Archivo General de la Nación (AGN), Ministro de Interior y Justicia (I&J), Tomo CCCII (1844), f. 31.

9. AGN, AB, Tomo 11 (1844), Expediente 2, ff. 11–11b, 17b–18.

10. AGN, I&J, Tomo CCCII (1844), f. 31.

11. Ibid., ff. 35–36.

12. See the interrogations of numerous rebels in AGN, Expedientes Criminales y Civiles (CC), 1846, E-09. "Echeandia Juan Bautista, capitán Aguado y otros por conspiración." The interrogation of Mariano Tirado can be found on ff. 10–13, and that of Tomás Galarraga can be found on ff. 13–15.

13. Ibid., ff. 135–36.

14. Matthews, *Violencia rural*, 64.

15. Julie Skurski, "The Leader of the 'People': Representing the Nation in Postcolonial Venezuela," PhD diss., University of Chicago, 1993, 24–25.

16. Ibid., 24.

17. Charles Daniel Dance, *Recollections of Four Years in Venezuela: A Mission Priest in the Diocese of Guiana* (London: Henry S. King, 1876), 17–18.

18. See Matthews, *Violencia rural*, chap. 4.

19. AGN, CC, 1833, C-22. "Carrasquel Pedro Antonio contra este por el uso de armas prohibidas."

20. AGN, CC, 1834, C-15. "Carrasquel Pedro Antonio, contra él por vago."

21. AGN, CC, 1835, C-02. "Contra Pedro Antonio Carrasquel por vago, y haber proferido amenazas contra el Sr. Fiscal de la Suprema Corte de Justicia."

22. Elías Pino Iturrieta, *Fueros, civilización y ciudadanía* (Caracas, Venezuela: Universidad Católica Andrés Bello, 2000), 59–62, 135.

23. AGN, CC, 1826, C-21, f. 1. Crisóstomo Cisneros had the same surname as Dionicio Cisneros, the royalist guerrilla, but claimed to be unrelated.

24. AGN, I&J, Tomo 5 (1830), Expediente 31, ff. 423–27.

25. Archivo Histórico de Coro (AHC), Causas Criminales (CC), #171 (1832), f. 1b.

26. Numerous studies have noted how colonial plebeian honor codes were very similar to those of the rich and that the poor supported republicanism and liberalism throughout the early independence period. R. Douglas Cope, *The Limits of Racial Domination* (Madison: University of Wisconsin Press, 1994); Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780–1854* (University Park: Pennsylvania State University Press, 1999); Guardino, *Peasants*; Peter Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750–1850* (Durham, NC: Duke University Press, 2005); Marixa Lasso, *Myths of Harmony: Race and Republicanism During the Age of Revolution* (Pittsburgh, PA: University of Pittsburgh Press, 2007); Florencia Mallon, *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley: University of California Press, 1995); Sanders, *Contentious Republicans*.

27. Richard Warren observed that the Vagrancy Tribunal of Mexico City had a low conviction rate in part because of the legal vagueness of the charge of vagrancy. Richard Warren, *Vagrants and Citizens: Politics and the Masses in Mexico City from Colony to Republic* (Wilmington, DE: Scholarly Resources, 2001), 86–87.

28. See AGN, CC, 1822, G-02; 1823, N-01; 1835, C-05; 1835, C-18.

29. Cynthia Milton, "Poverty and the Politics of Colonialism: 'Poor Spaniards,' Their Petitions, and the Erosion of Privilege in Late Colonial Quito," *Hispanic American Historical Review* 84, no. 4 (2005): 605.

30. AGN, CC, 1846, P-5. "Palacios Dionisio contra el por vagancia."

31. Zamora, *Ezequiel Zamora*, 62.

32. *El Liberal*, November 27, 1847, 2c.

33. Winthrop R. Wright, *Café con Leche: Race, Class, and National Image in Venezuela* (Austin: University of Texas Press, 1990), chaps. 1–2. See also Lasso, *Myths*.

34. For examples, see letters from Bolívar to Francisco de Santander on June 28, 1825, and October 8, 1826, in Universidad de Mérida, La base de información BOLÍVAR, accessed September 28, 2004, http://www.bolivar.ula.ve. For more on Bolívar's fear of *pardocracia*, see Aline Helg, *Liberty & Equality in Caribbean Colombia, 1770–1835* (Chapel Hill: University of North Carolina Press, 2004), 184.

35. Robert Ker Porter, *Sir Robert Ker Porter's Caracas Diary, 1825–1842: A British Diplomat in a Newborn Nation*, ed. Walter Dupouy (Caracas, Venezuela: Editorial Arte, 1966), December 16, 1830. See also entries for December 17, 1825; August 23, 1826; November 7, 1828.

36. Skurski, "Leader of the 'People,'" 35.

37. Miguel Izard, "Periodo de la independencia y la Gran Colombia, 1810–1830," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton (Caracas, Venezuela: Fundación John Boulton, 1976), 7.

38. Congressional decrees of March 12, 1832, and February 24, 1836. Found in *Materiales para el estudio de la cuestión agraria en Venezuela (1829–1860): Enajenación y Arrendamiento de Tierras Baldías* (Caracas, Venezuela: Universidad Central de Venezuela, 1971), vol. 1:3, 25, 127–28.

39. Simón Bolívar, Caracas, 1827. Found in *Materiales para el estudio de la*

cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración (Caracas, Venezuela: Universidad Central de Venezuela, 1979), vol. 1:4, 71.

40. Simón Bolívar, *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración*, 72.

41. *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 10, 207.

42. Pino Iturrieta, *Fueros*, 127–28.

43. See *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración*, Documents 64, 88, 98.

44. E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (New York: Random House, 1975), 197.

45. Ley of May 3, 1826.

46. Congress of 1836, Acto 280, Capítulos 3–6. Found in *Cuerpo de leyes de Venezuela (1830–51)*, vol. 1 (Caracas, Venezuela: Valentin Espinal, 1851).

47. *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración*, 150.

48. John V. Lombardi and James A. Hanson, "The First Venezuelan Coffee Cycle, 1830–1855," *Agricultural History* 44 (1970): 362–63.

49. *Jornalero* laws in Sonora, Mexico, were even more paternalistic, as they granted employers coercive authority over employees' religious and moral conduct, finances, and movements. Laura Shelton, *For Tranquility and Order: Family and Community on Mexico's Northern Frontier, 1800–1850* (Tucson: University of Arizona Press, 2010), 138–46.

50. Lombardi, *Venezuela*, 177; John V. Lombardi, *The Decline and Abolition of Negro Slavery in Venezuela, 1820–1854* (Westport, CT: Greenwood Press, 1971), 103–4.

51. *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración*, 149.

52. AGN, I&J, Tomo 332 (1846), Expediente 22, ff. 289–94. In 1849–50, officials in Barcelona arrested just four people for vagabondage per year. Ibid., ff. 291–301.

53. Laura Shelton, in her study of Sonora, Mexico, suggests that the link between honor and work may have been an urban phenomenon. Shelton, *For Tranquility*, 7, 138–48.

54. Silvia Marina Arrom, *Containing the Poor: The Mexico City Poor House, 1774–1871* (Durham, NC: Duke University Press, 2000), 25; Shelton, *For Tranquility*, 138–43; Juan Carlos Jurado Jurado, *Vagos, pobres y mendigos: Contribución a la historia social colombiana, 1750–1850* (Medellín, Colombia: La Carreta Editores EU, 2004), 42–45; Gilberto Enrique Parada García, "La retórica del miedo en la prensa bogotana de 1834," *Historia Critica* no. 36 (2008): 58–81; Warren, *Vagrants and Citizens*, 42–62.

55. See Chambers, *From Subjects to Citizens*, 193–97; Helg, *Liberty & Equality*, 180–84; Friedrich Katz, "Rural Rebellions After 1810," in *Riot, Rebellion, and Revolution: Rural Social Conflict in Mexico*, ed. Friedrich Katz (Princeton, NJ: Princeton University Press, 1988), 553; Sanders, *Contentious Republicans*, 64.

56. "Que defendían a la vez la Constitución y los tafanarios de Venezuela." *Tafanario* is slang for derrière, which presumably was the target of the lash. Tomás Lander, *Fragmentos de un Relámpago inédito*, Caracas, February 20, 1844. Found in *Pensam-*

iento político venezolano del siglo XIX: textos para su estudio, vol. 4, 617–18. See also Pedro José Rojas, *El Manzanares*, Cumaná, June 20, 1843. Found in ibid, vol. 7, 50.

57. *El Republicano*, no. 57. Barcelona, June 11, 1845.

58. James Sanders's description of those qualities that distinguished the campaign strategies of Colombia's Liberal Party in the 1848 election fit Venezuela's Liberal Party as well. See Sanders, *Contentious Republicans*, chap. 3.

59. Matthews, *Violencia rural*, 101.

60. The 1840s saw plebeian alliances with Liberal parties in several Latin American countries, as subalterns pressed for their rights and capitalized on elite fracture. See Guardino, *Peasants*, chap. 5; Sanders, *Contentious Republicans*, 66–72.

61. Matthews, *Violencia rural*, 100–106; Augusto Mijares, *La evolución política de Venezuela, 1810–1960* (Caracas, Venezuela: Academia Nacional de la Historia, 2004), 126–34.

62. Mijares, *Evolución política*, 128–32. For the trial transcript, see AGN, CC, 1846, G-01. "Guzmán Antonio Leocadio, contra él por conspirador, en diez piezas."

63. AGN, CC, 1846, D-11. "Dias José Miguel y Vicente Silva por conspiración"; AGN, I&J, Tomo 332 (1846), Expediente 33, ff. 347–53.

64. *El Republicano*, no. 34, January 1, 1845.

65. *El Republicano*, no. 129, September 9, 1846.

66. Zamora, *Ezequiel Zamora*, 42.

67. Ibid., 42–43, 59.

68. *El Liberal*, no. 614, September 5, 1846.

69. AGN, CC, 1846, E-09, f. 91. "Echeandía Juan Bautista, capitán Aguado y otros por conspiración."

70. See interrogations of Lorenzo Acuña, Pedro Aguilar, Serapio Arteaga, Valentin Leyas, Jacinto Rivas, and Nicolas Vidal in AGN, CC, 1846, E-09.

71. *Boletín Oficial*, Caracas, October 23, 1846. Found in ibid, f. 94.

72. Nicolas Vidal (tailor) reported, "I am passionate about music although I can't play any instrument. In order to avoid the lance I said that I could play the tambourine and they put me in the musical band and ordered me to make a tambourine from tin." Ibid., ff. 67b–68.

73. Zamora, *Ezequiel Zamora*, 42. AGN, CC, 1846, E-09, ff. 12–5.

74. Ibid., f. 15.

75. Zamora, *Ezequiel Zamora*, 59–60.

76. Ibid., 48.

77. In 1844, also, some rebels mistakenly thought that Páez would lead the insurrection. AGN, AB, Tomo 11 (1844), Expediente 2, ff. 11–11b.

78. See AGN, CC, 1846, C-09, ff. 10b, 62, 90b–91, 128. See also Zamora, *Ezequiel Zamora*, 42.

79. See *El Liberal*, no. 617, September 26, 1846, "Crónica Judicial"; and Fundación Polar, *Diccionario*, "Revolución popular."

80. *El Liberal*, no. 614, September 5, 1846, "Los Facciosos"; *La Gaceta de Venezuela*, no. 824, October 28, 1846, 369–70.

81. AGN, I&J, Tomo 347 (1847), Expediente 10.

82. *La Gaceta de Venezuela*, no. 822, October 18, 1846, 318.

83. Zamora, *Ezequiel Zamora*, 45, 55, 58.

84. Rebecca Earle, "The Role of Print in Spanish American Wars of Indepen-

dence," in *The Political Power of the Word: Press and Oratory in Nineteenth-Century Latin America*, ed. Iván Jaksíc (London: Institute of Latin American Studies, 2002), 31; Carlos Forment, *Democracy in Latin America, 1760–1900*, vol. 1, *Civil Selfhood and Public Life in Mexico and Peru* (Chicago: University of Chicago Press, 2003), 200–203.

85. *El Observador*, January 1, 1824, 1b.

86. Aura Elena Rojas, "La participación del 'Pueblo' venezolano en movimientos de desobediencia del orden legal (1830–1848)," Master's Thesis in History, La Universidad Católica Andrés Bello, 2008, 67–69.

87. *El Liberal*, September 12, 1846, no. 615.

88. Páez, *Autobiografía*, vol. 2, 333.

89. See AGN, CC, 1839, E-10; 1846, D-10; 1846, E-01.

90. AGN, I&J, Tomo CCCII (1844), ff. 29-107. See f. 36b.

91. Zamora, *Ezequiel Zamora*, 38.

92. Ibid., 55.

93. Ibid., 45.

94. *El Liberal*, no. 617, September 26, 1846.

95. Quote from Gran Colombian politician Joaquín Mosquera, 1825. Found in *Materiales para el estudio de la cuestión agraria en Venezuela (1810–1865): Mano de obra: legislación y administración*, 53–54.

96. Lombardi, *Decline and Abolition*, 130–31.

97. See AGN, I&J, Tomo CCCII (1844), ff. 29–107; AGN, AB, Tomo 11 (1844), Expediente 2.

98. AGN, I&J, Tomo 315 (1845), Expediente 37, ff. 265–68.

99. AGN, I&J, Tomo 332 (1846), Expediente 4, ff. 115–27.

100. Matthews, *Violencia rural*, chap. 5. Domingo José Serrano and Cayetano Solórzano were slaves in Aguado's band. AGN, CC, 1846, E-09, ff. 88, 90b.

101. Ibid., f. 7b, 12.

102. Matthews, *Violencia rural*, chap. 5.

103. "Los principios que me disgustaban eran los que tendían a envolver el país en una revolución de clases." AGN, CC, 1846, E-09, ff. 10b–11b.

104. AGN, CC, 1846, f. 7b.

105. Zamora, *Ezequiel Zamora*, 74–75. José Tomás Boves led infamously brutal royalist forces during the wars of independence. Dionicio Cisneros continued to fight as a royalist guerrilla until 1831.

106. This situation was very similar to that seen in Nueva Granada at this time. See Lasso, *Myths*.

107. Found in Consuelo Cal, "Venezuela. República negra en los informes a España," *Jahrbuch für Geschichte Lateinamerikas* 38 (2001): 230.

108. Zamora, *Ezequiel Zamora*, 76.

109. Ibid., 54.

110. See interrogations of Pedro Rodríguez (baker), Domingo Serrano (laborer), Felix Hidalgo (laborer), Silverio Rios Bueno (cobbler), and Cayetano Solórzano (slave) in AGN, CC, 1846, E-09.

111. Ibid., f. 117b. See also Felipe Peres (merchant), f. 97b.

112. Ibid., f. 65.

113. AGN, CC, 1846, E-09, f. 69b.

114. Zamora, *Ezequiel Zamora*, 41, 44.

115. Cecilia Méndez, *The Plebeian Republic: The Huanta Rebellion and the Making of the Peruvian State, 1820–1850* (Durham, NC: Duke University Press, 2005), chap. 4; Peter Blanchard, "The Language of Liberation: Slave Voices in the Wars of Independence," *Hispanic American Historical Review* 82, no. 3 (2002): 516–17. Richard Boyer notes a similar phenomenon during colonial Inquisition investigations of bigamy. Richard Boyer, *Lives of the Bigamists* (Albuquerque: University of New Mexico Press, 2001), 151.

116. AGN, I&J, Tomo 347 (1847), Expediente 49, ff. 421–22. For other examples of commuted sentences, see AGN, I&J, Tomo 146 (1847), Expediente 9, ff. 36–50; *La Gaceta de Venezuela*, no. 832, December 27, 1846.

117. This section, which summarizes the political narrative of the 1847–58, relies largely on Catalina Banko, *Luchas federalistas en Venezuela* (Caracas, Venezuela: Monte Avila Editores Latinoamericana, CA, 1996); Lombardi, *Venezuela*; Guillermo Morón, *A History of Venezuela*, trans. John Street (New York: Roy Publishers, 1963); Manuel Perez Vila, "El gobierno deliberativo. Hacendados, comerciantes y artesanos frente a la crisis, 1830–1848," in *Política y economía en Venezuela, 1810–1976*, ed. Alfredo Boulton, 33–89 (Caracas, Venezuela: Fundación John Boulton, 1976); Pino Iturrieta, *Fueros*; Elías Pino Iturrieta, *País archipiélago: Venezuela 1830–1848* (Caracas, Venezuela: Fundación Bigott, 2002); Fundación Polar, *Diccionario*, various articles.

118. See AGN, I&J, Tomo 364 (1848), Expediente 11, ff. 317–29; AGN, I&J, Tomo 365 (1848).

119. AGN, I&J, Tomo 365 (1848), Expediente 63, ff. 417–19.

120. Lombardi, *Decline and Abolition*, 26, 154.

121. Fundación Polar, *Diccionario*, "Monagas, José Gregorio, gobierno de," and "Monagas, José Tadeo, gobiernos de."

122. Elizabeth Dore, "One Step Forward, Two Steps Back: Gender and the State in the Long Nineteenth Century," in *Hidden Histories of Gender and the State in Latin America*, ed. Elizabeth Dore and Maxine Molyneux (Durham, NC: Duke University Press, 2000), 8.

123. Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, vol. 10, 208.

124. Tomás Lander, 1843. Found in ibid., vol. 4, 607.

Conclusion

1. Elena Plaza, "El 'patriotismo ilustrado,' o la organización de los poderes públicos en Venezuela, 1830–1847." *Revista Politeia*, no. 29 (2002): 63–82.

Glossary

alcalde mayor.

Audiencia colonial royal high court.

ayuntamiento municipal government.

cabildo municipal council.

caraqueño a person from Caracas.

carpeta folder.

castas nonwhites, including Indians, blacks, and mixed races.

caudillo literally means chief, leader, or head. The term implies a person who commands a following through charisma and physical prowess, so that his authority is not institutional but personalistic.

competencia jurisdiction.

coriano a person from Coro.

corregidor chief magistrate.

creole a person of fully Spanish lineage who was born in Spanish America.

derecho a legal or traditional right.

Department or Province of Venezuela during the colonial period and Gran Colombia, an administrative area that occupied the north-central region of what is modern Venezuela. In the colonial period, this area was also called the Province of Caracas.

expediente file, as in the paperwork of a court case or a government proceeding.

fuero the legal jurisdiction, rights, and privileges of a particular group or class. For example, the traditional fueros of the military and clergy left them exempt from certain taxes, granted them legal privileges, and provided them courts of justice with jurisdiction over their own members.

godo literally, "goth." A derogatory term that referred to people who were royalists, loyal to Spain, or conservative during and after independence.

granadino a person from Nueva Granada (modern Colombia).

Greater Venezuela geographic term: During the colonial period, the area encompassed by the *Capitanía General de Venezuela*, or modern Venezuela. Distinct from the Province or Department of Venezuela, which, during the colonial period and Gran Colombia, occupied the north-central region of Greater Venezuela.

hacendado owner of an hacienda.

hacienda (1) a ranch—a large, agricultural estate; (2) treasury, as in the government's Office of the Treasury.

instancia juridical or administrative level.

intendente intendant.

jefe boss, leader, chief.

juez judge.

juez de paz justice of the peace.

juez de primera instancia judge of the primary court of claims.

junta council or government body.

licenciado an attorney or university graduate.

llanero a plainsman, a person from the llanos (plains). Until the late nineteenth century, the llanos of southern Venezuela were largely outside of government control; and the residents of this region were known for their lawlessness, physical prowess, and superb horsemanship.

llanos plains.

oidor judge.

pardo free people of African descent, whether pure African or mixed race.

patria homeland, fatherland, country.

peninsular a person born in and from Spain.

reformista a participant in the 1835–36 rebellion called *La Revolución de las Reformas.*

regente regent or leader.

Sociedad de Amigos del País a voluntary association, found throughout Spain and Latin America, dedicated to disseminating information to merchants, planters, and artisans to help the country's economy.

teniente justicia a judicial official.

vago a vagabond, bum, tramp.

vecino neighbor, resident of a municipality.

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